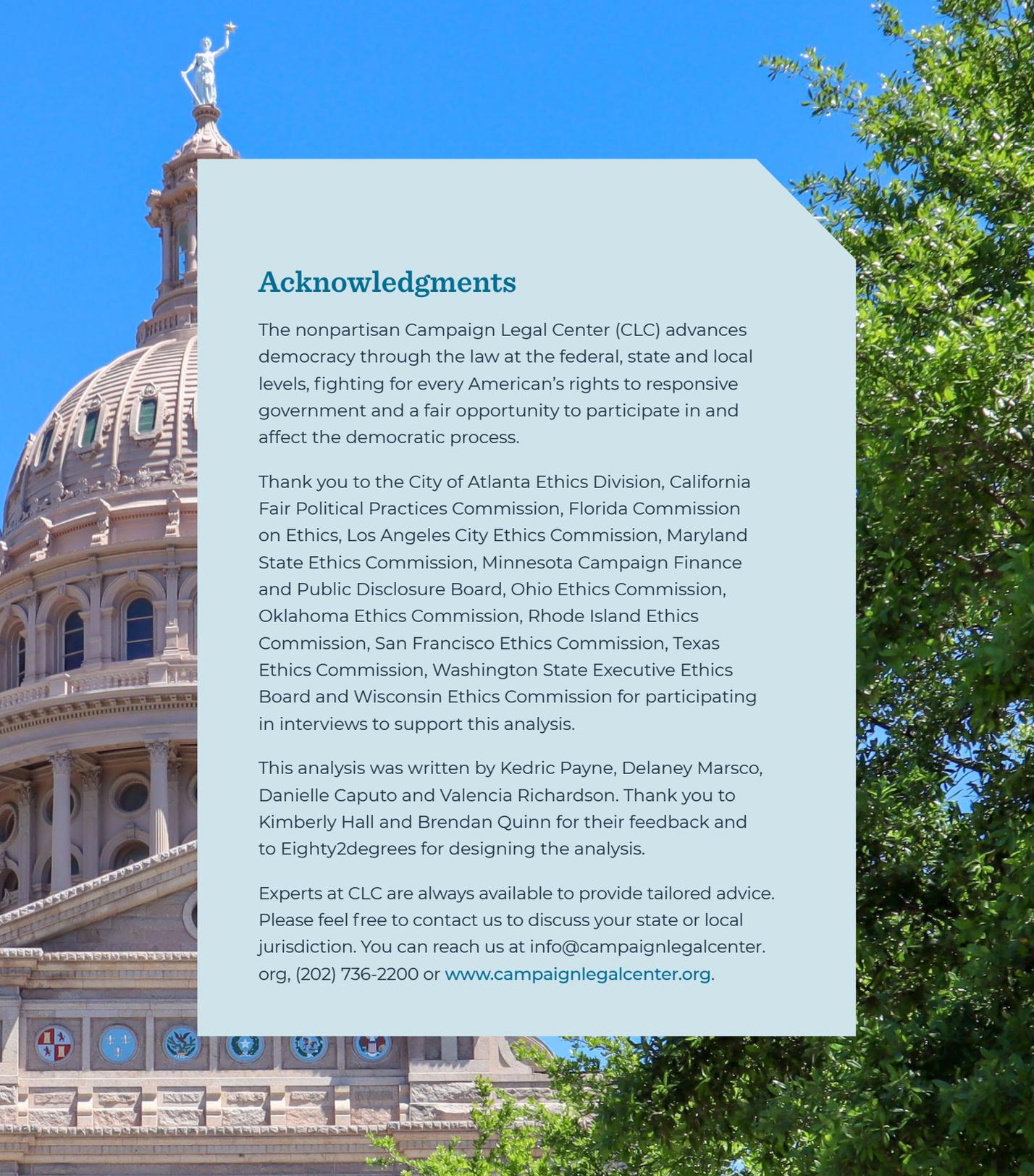


REPORT

# ENFORCEMENT UPGRADES *for* ETHICS COMMISSIONS





## Acknowledgments

The nonpartisan Campaign Legal Center (CLC) advances democracy through the law at the federal, state and local levels, fighting for every American's rights to responsive government and a fair opportunity to participate in and affect the democratic process.

Thank you to the City of Atlanta Ethics Division, California Fair Political Practices Commission, Florida Commission on Ethics, Los Angeles City Ethics Commission, Maryland State Ethics Commission, Minnesota Campaign Finance and Public Disclosure Board, Ohio Ethics Commission, Oklahoma Ethics Commission, Rhode Island Ethics Commission, San Francisco Ethics Commission, Texas Ethics Commission, Washington State Executive Ethics Board and Wisconsin Ethics Commission for participating in interviews to support this analysis.

This analysis was written by Kedric Payne, Delaney Marsco, Danielle Caputo and Valencia Richardson. Thank you to Kimberly Hall and Brendan Quinn for their feedback and to Eighty2degrees for designing the analysis.

Experts at CLC are always available to provide tailored advice. Please feel free to contact us to discuss your state or local jurisdiction. You can reach us at [info@campaignlegalcenter.org](mailto:info@campaignlegalcenter.org), (202) 736-2200 or [www.campaignlegalcenter.org](http://www.campaignlegalcenter.org).

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## Purpose

The purpose of this CLC analysis is to provide state and local ethics commissions with innovative enforcement upgrades to improve how they effectively implement their ethics programs. Specifically, the project highlights 10 proven enforcement features that ethics commissions have used to:



1.

increase accountability  
for ethics violations



2.

deter noncompliance



3.

improve the public's  
trust in government

We interviewed 13 ethics commissions that exemplify at least one of the 10 features we highlight. This project focuses on upgrades that yield results yet are relatively simple and inexpensive to administer. Importantly, ethics commissions can adopt these improvements without creating any new laws, rules or regulations.

## Executive Summary

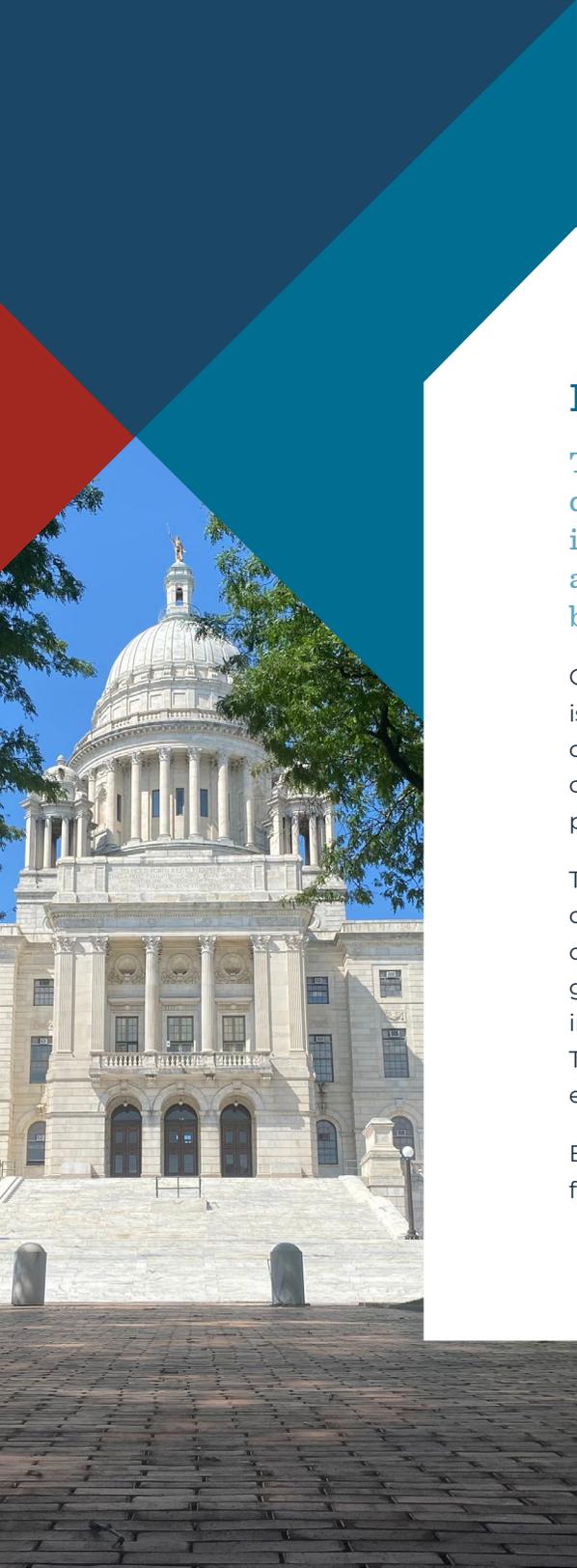
Ethics commissions serve a vital role in democracy by enforcing various laws and rules intended to preserve the public's trust in government.

Limited staff, technology, funding and other resources create challenges for ethics commissions to fulfill their important missions. In addition, ethics commissions often have the complex duty of serving diverse stakeholders, including government officials and employees, lobbyists, government contractors, journalists and the general public.

Ethics commissions praised CLC's Top 10 Transparency Upgrades report, which provides best practices for engaging and educating the public. This new analysis, Top 10 Enforcement Upgrades, provides solutions for optimizing enforcement. CLC researched and interviewed state and local ethics commissions nationwide and identified the following 10 enforcement upgrades:

1. Automated Audits
2. Enforcement Heat Map
3. Expedited Case Resolution
4. Settlement Guidelines
5. Investigation Timelines
6. Instant Case Updates
7. Anonymous Tip Hotline
8. Enforcement Metrics
9. Noncompliance List
10. Searchable Enforcement Actions

For each feature, the relevant ethics commissions provided practical insight on why they implemented the feature, the benefits, the resource costs and lessons from their experience. Although no ethics commission implemented all of these features, any ethics commission can improve its enforcement efficacy by adopting any one of these tools.



## Introduction

The Top 10 Enforcement Upgrades are designed for ethics commissions interested in exploring innovative practices to improve accountability, deter noncompliance, and build public trust.

Continuous improvement of enforcement practices is necessary because the public relies on ethics commissions to apply ethics laws impartially and cultivate a government culture committed to public service.

The public has a right to know that government officials serve the public interest and not their own personal interest. Ethics commissions are the guardians of good government and discourage improper conduct through robust ethics enforcement. This CLC analysis provides the tools needed for robust ethics enforcement.

Ethics enforcement presents numerous challenges for ethics commissions. Ethics commissions have

limited resources to detect, investigate and resolve noncompliance issues for the hundreds or thousands of individuals subject to the ethics laws and rules. The complexity of the laws administered by ethics commissions makes administering fair penalties with a deterrent effect a delicate balancing act. In addition, new enforcement policies might require the approval of the legislature, which can be a long and arduous process. These challenges inspire new opportunities to enhance enforcement.

The public expects each ethics commission to use all tools at their disposal to hold officials accountable. Such efforts help ethics commissions build and maintain the public's trust. This review of state and local ethics commissions' best practices aims to demonstrate the innovations of ethics commissions, show the benefits of those innovations and provide a road map for how ethics commissions can implement these measures to help ensure that those in public service work in the best interests of those they serve.

# 01

# AUTOMATED AUDITS

## What Is It?

Automated audits rely on computer software to search financial disclosure reports, campaign finance reports, lobbying reports or other public filings within an ethics commission's jurisdiction for incomplete or inaccurate information. The audits may also detect ethics violations. Automated audits replace or supplement manual audits that rely on staff.

## Why It Matters

An automated audit system enables ethics commissions to review public filings easily, quickly and effectively. The system uses fewer personnel and resources to review large volumes of data. In addition, automated audits can identify more instances of noncompliance and facilitate more robust enforcement.

## Benefits



### ACCOUNTABILITY

Uncovers violations or omissions in public filings quickly, resulting in corrections or penalties



### DETERRENCE

Provides notice to filers that the ethics commission has resources to review all submissions for noncompliance

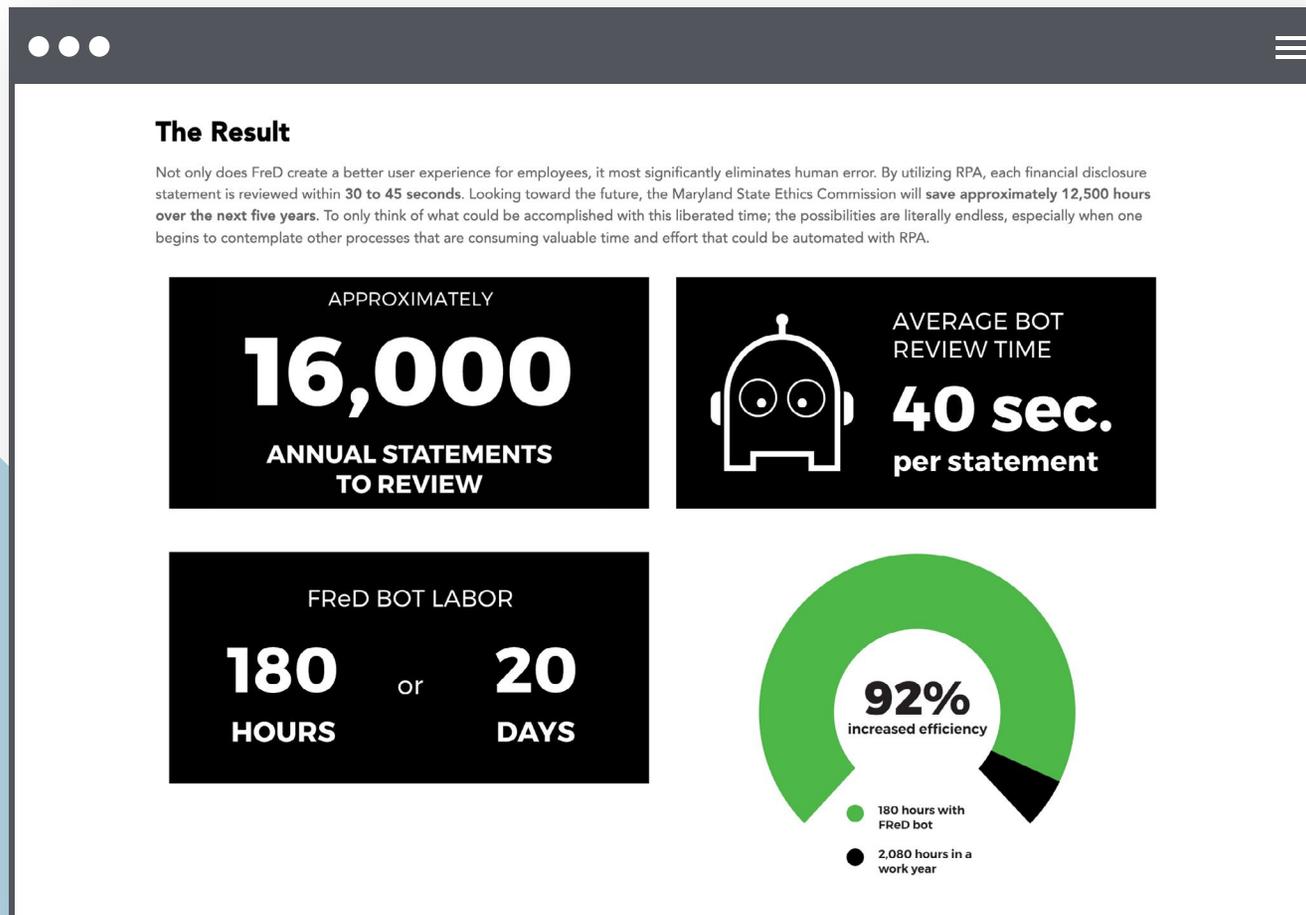


### PUBLIC TRUST

Demonstrates to the public the ethics commission's commitment to robust enforcement

# Maryland State Ethics Commission

The Maryland State Ethics Commission (MSEC) implemented an automated audit system called the Robotic Process Automation (RPA) in 2020. The RPA helps identify potential conflicts of interest related to gifts and relationships with certain entities. The system also alerts filers of information missing on their financial disclosure forms. In particular, the system is programmed to detect gifts disclosures, financial relationships with certain entities and blank responses on specific schedules. Individuals who did not fully complete their forms receive automatic emails directing them to review their filing and amend it or reach out to MSEC for assistance.



## Summary of correspondence with Jennifer Allgair, executive director:



### REASONS FOR IMPLEMENTING AUTOMATIC AUDITS

The automated system provides a more efficient way for MSEC's staff to review potential conflicts of interest, providing MSEC the ability to more quickly review financial disclosures.



### SUCCESS OF THE AUTOMATIC AUDITS

Prior to its creation, MSEC was unable to identify which financial disclosures contained gift disclosures or listed financial relationships with certain entities, except by manual review. As a result, the staff conducted random audits. After developing the audit system, the staff was able to review 20,000 more financial disclosures in the first year of the system's implementation. MSEC also explained in its 2021 annual report published on its website that "[i]n addition to ramping up the number of compliance reviews, the RPA permits the Commission to redirect significant staff resources to higher value work."



### IMPLEMENTATION COSTS

MSEC hired an outside vendor to develop the auditing technology.



### IMPLEMENTATION TIPS

According to MSEC, one of the important considerations in developing an automated system is identifying the most meaningful functions of the automated system. For example, MSEC identified the most common disclosure oversights and mistakes, and the automatic audit focused responses on those issues.

Additionally, ethics commissions should consider limiting the reporting functions to matters most likely to create conflict of interest issues, such as gifts. This approach simplifies the audit process and does not overload the system.

# Wisconsin Ethics Commission

The Wisconsin Ethics Commission (WEC) uses software that allows WEC to query a database containing all stakeholders' filings to identify missing information and violations. The software allows WEC to audit all registrants without considering political affiliation to help avoid any appearance of partisanship.

The screenshot shows a SQL query in a text editor window titled "Cash Balance Audit...TS\broadexsru (71)". The query is designed to identify discrepancies in cash balances for various committees. It includes several filters to narrow down the results, such as reporting year, filing period, and committee type. The query uses conditional logic to check for discrepancies in both beginning and ending balances against a threshold.

```

(CBDiscrepancy.Filing_Year = @ReportYear OR @ReportYear IS NULL) AND
(CBDiscrepancy.Filing_calendar_Id = @FilingPeriod OR @FilingPeriod IS NULL) AND

(
  --/ Discrepancy in beginning balance
  ((ABS(ISNULL(Beginning_Cash_Discrepancy, 0))) >= @Threshold)
  OR
  --/ Discrepancy in the ending balance
  (ABS(ISNULL(Ending_Cash_Discrepancy, 0)) >= @Threshold)
) AS CBDiscrepancy

ON CB.Committee_Id = CBDiscrepancy.Committee_Id

WHERE

  --/ Show all reports in the report year when @ReportYear is set.
  --(CB.[Filing_Year] = @ReportYear

  --/ Show all reports in the report year when @FilingPeriod is set.
  --OR CB.[Filing_Year] = (SELECT YEAR(FC2.End_date) FROM [CFIS].[dbo].[Filing_Calendar] FC2 WITH (NOLOCK) WHERE FC2.Filing_calendar_id = @F

  --/ Exclude Committee Types: Unregistered, Federal, Sponsoring Organizations, Conduits, Ethics Commission, and Unregistered/Local
  C.Committee_type_code NOT IN ('00','02','08','09','10','12')

  --/ Exclude committees pending termination
  AND ISNULL(C.Termination_Request_Flag,0) <> 1

  --/ Exclude terminated committees
  AND C.Status <> 'Terminated'

  And C.Exempt_Flag='0'

```

Below the query, the "Results" pane displays a table with the following columns: Filing Period, Previous Reported End Cash, Reported Beginning Cash (A), Beginning Discrepancy, Receipts (B), Expenditures (C), Calculated End Cash (A + B - C), and Reported End Balance. The table contains 13 rows of data for "July Continuing 2022".

Filing Period	Previous Reported End Cash	Reported Beginning Cash (A)	Beginning Discrepancy	Receipts (B)	Expenditures (C)	Calculated End Cash (A + B - C)	Reported End Balance
1 July Continuing 2022	5075.61	5404.09	-328.48	19057.27	3241.32	21220.04	21220.04
2 July Continuing 2022	45044.12	41044.12	4000.00	0.00	3433.00	37611.12	37611.12
3 July Continuing 2022	-2.00	288.24	-290.24	0.00	84.00	204.24	204.24
4 July Continuing 2022	21753.38	21753.38	0.00	0.00	700.00	21053.38	-10.00
5 July Continuing 2022	64526.11	64526.11	0.00	131773.91	29175.22	167124.80	169444.80
6 July Continuing 2022	36953.58	36953.58	0.00	210.06	4483.15	32680.49	33164.49
7 July Continuing 2022	2181.42	0.00	2181.42	3335.81	70.58	3265.23	3265.23
8 July Continuing 2022	0.00	225.44	-225.44	2000.00	1000.00	1225.44	1225.44
9 July Continuing 2022	67529.27	67529.27	0.00	14379.50	18676.35	63232.42	62982.42
10 July Continuing 2022	0.00	300.00	-300.00	400.00	0.00	700.00	400.00
11 July Continuing 2022	55295.45	52900.69	2394.76	520.00	26187.35	27233.34	27233.34
12 July Continuing 2022	0.00	39171.89	-39171.89	59657.47	17751.87	81077.49	81077.49
13 July Continuing 2022	1286.31	1064.31	222.00	3200.00	1562.11	2702.20	2702.20

## Summary of conversation with Daniel Carlton Jr., administrator:



### REASONS FOR IMPLEMENTING AUTOMATIC AUDITS

Prior to using the auditing software, WEC had to audit campaign committees one at a time for any violations. The time and labor-intensive effort to audit without the software meant that WEC often did not have the resources necessary to audit all stakeholders.



### SUCCESS OF THE AUTOMATIC AUDITS

The auditing software, in conjunction with creating a complete database to query, has allowed WEC to effectively audit all stakeholders without allegations of bias. The software gives WEC confidence that it is accurately identifying late filers, missing information and other potential violations.



### IMPLEMENTATION COSTS

For the auditing software to be successful, WEC had to implement an electronic filing system. Ethics commissions can pay to build automated audit capabilities into reporting systems; however, it can be expensive. WEC saved money by using an existing software program to query the database, rather than customizing software. At least one staff member should have knowledge of the software to create, run and fix queries.



### IMPLEMENTATION TIPS

Ethics commissions should remember that audits only show potential violations; respondents may have defenses for potential violations that the software shows. WEC provides filers 30 days to respond to potential violations that the automated software identifies.

# 02

# ENFORCEMENT HEAT MAP

## What Is It?

An enforcement heat map shows where, how many and what kind of enforcement actions are taken in the ethics commission's jurisdiction on an interactive map. A heat map makes the ethics commission's enforcement work, as well as the related data, both digestible and easily accessible.

## Why It Matters

Ethics commissions face the challenge of making disclosure of enforcement activities transparent and meaningful. Even when ethics commissions disclose information about enforcement actions, they might provide the information in unnavigable data, which creates barriers to access. Ethics commissions can address this challenge by using heat maps to present information in a visually impactful format. The result is not only valuable time saved for the public and other stakeholders but also assurance to the public that officials are being held accountable for violations.

## Benefits



### ACCOUNTABILITY

Provides the media and the public with easy access to enforcement information



### DETERRENCE

Provides clear visibility and subjects violators to public scrutiny



### PUBLIC TRUST

Allows the public to see that officials are being held accountable

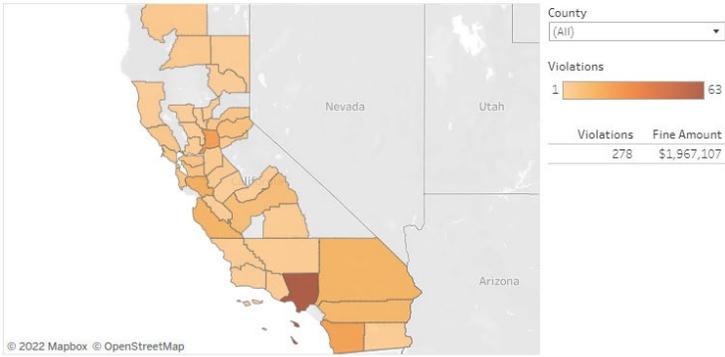
# California Fair Political Practices Commission

The California Fair Political Practices Commission (FPPC) includes a heat map on its website which shows a graphic depiction of the state and its counties and includes easily accessible information about how many enforcement actions originate in each jurisdiction.

● ● ●
☰

## Approved Enforcement Actions in 2021

**All**



County  
(All) ▾

Violations  
1  63

Violations	Fine Amount
278	\$1,967,107

© 2022 Mapbox © OpenStreetMap

### Heat Map

The FPPC prosecutes hundreds of cases every year and the public deserves to know where these violations occur. This map details the location of every case the FPPC prosecuted in 2021.

Click on a county to view summary information about the cases prosecuted in that region. You can also click through to view information about each case that was prosecuted in that county, including the approved stipulation.

Type of Violation	Case Number	Month on Agenda	Name of Respondent(s)	All Position/Title	Fine
Advertisements	2017-01470	February	Shawnda Deane, Daniel Brumer	Treasurer, Principal Officer	\$5,000
	2019-00140	February	Josie Gonzalez	City Council	\$130
	2019-01094	February	Debra Parker	Treasurer	\$115
	2019-01762	April	Michael Ellerin	Treasurer	\$742
	2019-01776	April	Karen Loebbaka, Kevin Saavedra	Principal Officer, Treasurer	\$8,000

## Summary of conversation with Richard C. Miadich, chair; Galena West, executive director; and Jay Wierenga, communications director:



### REASONS FOR IMPLEMENTING ENFORCEMENT HEAT MAP

Prior to creating the heat map, the FPPC published information about enforcement that was not user-friendly. When the FPPC updated its website, it wanted to present the information in a more visually appealing and comprehensible way. The enforcement action data was converted into the heat map format, which made it easier to see and understand enforcement actions throughout the state.



### SUCCESS OF ENFORCEMENT HEAT MAP

Public feedback on the heat map has been positive. Voters see the heat map as a convenient and interesting way to know what is happening in their jurisdictions. The heat map makes information more transparent. The heat map also helps hold public officials accountable, as it allows the FPPC to spot enforcement trends and direct educational resources to jurisdictions as needed.



### IMPLEMENTATION COSTS

The FPPC was able to create the heat map using tools it already had at its disposal. Internal staff identified information that was most transferable to an interactive graphic presentation. Given that the FPPC was already in the process of upgrading its website, the heat map did not require many additional expenses beyond what was already allotted for the update.



### IMPLEMENTATION TIPS

Ethics commissions should aim to include the information that the public seeks most often when creating their heat map, including enforcement action data. Ethics commissions should also consider the perspective of all stakeholders who may use the heat map, including respondents and their attorneys or representatives in enforcement proceedings.

According to the FPPC, users should avoid misunderstanding the data by using the tool to compare jurisdictions against one another. This is because the heat map does not take into consideration the size of a county or the number of public servants in each district, which is critical information to have when comparing the relative amount of enforcement actions across jurisdictions. Rather, the heat map should be used on a periodic basis to see how enforcement trends look in a certain county within a particular election cycle.

# 03

# EXPEDITED CASE RESOLUTION

## What Is It?

Expedited case resolution is a separate resolution track that allows ethics commissions to resolve cases involving less complex law or simple facts more efficiently. This track is used only for a certain class of cases — e.g., late filings, incomplete paperwork, etc. — that are resolved without engaging respondents in the full administrative resolution process.

## Why It Matters

Ethics commissions often have broad subject-matter jurisdiction and receive a wide variety of complaints. Every violation should result in consequences for deterrence and accountability purposes. Placing certain complaints on an expedited resolution track helps achieve these purposes while decreasing case backlogs and inefficient use of staff time.

## Benefits



### ACCOUNTABILITY

Allows the ethics commission to devote appropriate resources across all enforcement matters and hold all violators accountable



### DETERRENCE

Establishes that all potential violations are pursued, regardless of the severity level



### PUBLIC TRUST

Builds public confidence that the ethics commission values robust ethics enforcement

# San Francisco Ethics Commission

The San Francisco Ethics Commission (SFEC) has an expedited resolution track called the Streamlined Administrative Resolution Program (SARP). According to SFEC's website, SARP "establish[es] a standardized method for resolving an expanded range of matters through a streamlined stipulated settlement" with SFEC for violation types where little additional investigation is needed to establish that a violation occurred.

## FINANCIAL DISCLOSURE AND GOVERNMENTAL ETHICS PROVISIONS

Item	Provision	Applicable Law(s)	Specific Eligibility Guidelines	Specific Factors indicating potential for Warning Letter include	Specific Exclusions from the Streamlined Administrative Resolution Program include
<b>Economic Interests Disclosure Statements</b>					
31.	Non- or late-filing of Statement of Economic Interest (Form 700)	SF C&GCC §§ 3.102, 3.242	An individual who failed to timely file a Statement of Economic Interests must file the missing statement with the Commission or their filing officer.	<ul style="list-style-type: none"> <li>The non- or late-filed Statement of Economic Interests is a Leaving Office Statement.</li> <li>No history of failing to file reports and no significant history of late-filed reports.</li> </ul>	<ul style="list-style-type: none"> <li>Filer had a conflict of interest violation under Sections 1090 or 87100 involving an economic interest required to be disclosed on the Statement.</li> <li>Filer is a board or commission member and acted on agenda items in violation of SF C&amp;GCC section 3.1-102.5(c).</li> </ul>
32.	Omission of required information on Statement of Economic Interest (Form 700)	SF C&GCC §§ 3.102, 3.242	The filer must file an amended Statement of Economic Interests disclosing the previously undisclosed economic interest.	<ul style="list-style-type: none"> <li>The omitted interest was a gift or source of income the aggregate value of which was \$500 or less.</li> <li>The filer has not performed the duties of the office or position for six months or more due to illness or otherwise.</li> </ul>	<ul style="list-style-type: none"> <li>The omitted interest was a gift or source of income from a source that was regulated by or qualified as a restricted source as to the filer's agency.</li> <li>The undisclosed economic interest caused a conflict of interest violation under Sections 1090 or 87100.</li> </ul>

## Summary of conversation with LeeAnn Pelham, executive director:



### REASONS FOR IMPLEMENTING EXPEDITED CASE RESOLUTION

After SFEC's jurisdiction expanded to include economic interest disclosures and lobbying, SFEC needed an efficient method of using investigative staff for resolving more complex cases while addressing other potential violations. SARP builds on SFEC's existing fixed fines and penalties policy for campaign finance reporting violations. SARP was also implemented to help the public understand how resources are allocated for complaint resolutions.



### SUCCESS OF EXPEDITED CASE RESOLUTION

SARP enables staff to devote more time to complex cases. Case backlog and the average time to complete cases have decreased. The expedited cases have more predictable outcomes, which benefits both the public and the subjects of investigations. Overall, since SARP, the public appears to have increased trust that violations are being taken seriously.



### IMPLEMENTATION COSTS

The SARP implementation involved collaboration among SFEC's compliance, audits and investigative teams. SFEC also held interested persons meetings to engage the public. The major financial cost stemmed from the development of a case management system. In consideration of ongoing staff resources, the feature was designed for one person to manage.



### IMPLEMENTATION TIPS

Before implementing an expedited resolution option, an ethics commission should focus on what it is trying to accomplish — e.g., appropriate resource allocation for investigations. These goals should be discussed publicly, which can convey the complexity and nuance of the problem and solution. The world of enforcement is fluid and continues to change; there may not be a one-size-fits-all approach.

# 04

# SETTLEMENT GUIDELINES

## What Is It?

Specific settlement guidelines govern settlement negotiations and are either set dollar amounts or a percentage of the maximum penalty for a violation that an ethics commission can offer at particular benchmarks during the administrative resolution process. The settlement guidelines set expectations for subjects of complaints and give ethics commissions the tools they need to settle cases without compromising accountability. The guidelines are not mandated in all cases and should allow for flexibility in settlements where the ethics commission's staff think appropriate.

## Why It Matters

Consistency is one of the most important values for ethics commissions to espouse; it fosters the public's trust in the ethics commission's impartiality. Settlement guidelines result in more predictable and consistent penalties for ethics violations. Moreover, settlement guidelines deter potential violators from extending settlement negotiations to delay resolution of cases or avoid public scrutiny.

## Benefits



### ACCOUNTABILITY

Holds the ethics commission accountable to fair and consistent standards



### DETERRENCE

Publicizes most likely penalties for violations, which may discourage individuals from engaging in risky or problematic activities



### PUBLIC TRUST

Shows the public that the ethics commission penalizes violators, while using taxpayer time and money responsibly

# Wisconsin Ethics Commission

The Wisconsin Ethics Commission (WEC) publishes settlement guidelines on its website for violations of campaign finance, lobbying and ethics laws. WEC refers to the guidelines as Settlement Schedules and relies on the schedules to expeditiously enforce violations and resolve matters. WEC's stated interests are to: 1) provide timely and accurate information to the public; and 2) collect civil penalties.

## Lobbying Standard Settlement Schedules

### Unauthorized Lobbying

Before engaging in lobbying on behalf of a principal, a lobbyist or the principal must obtain authorization for the lobbyist to represent the principal. Wis. Stat. § 13.65.

	First Session of Unauthorized Lobbying	Subsequent Session of Unauthorized Lobbying	Aggregate Total Maximum
Lobbyist	\$100 per excess communication	\$200 per excess communication	\$1,000 per principal
Principal	\$200 per excess communication	\$400 per excess communication	\$2,000 per lobbyist

Lobbyists with no prior instances of unauthorized lobbying within a three-year period may be offered a settlement of \$100 per excess communication that occurred that session on behalf of that principal. Lobbyists with prior instances of unauthorized lobbying within the past three-year period may be offered a settlement of \$200 per excess communication. Settlements offered to lobbyists for this type of violation will not exceed an aggregate total of \$1,000 per principal.

Principals with no prior instances of unauthorized lobbying within a three-year period may be offered a settlement of \$200 per excess communication that occurred that session on behalf of that principal. Principals with prior instances of unauthorized lobbying within the past three-year period may be offered a settlement of \$400 per excess communication. Settlements offered to principals for this type of violation will not exceed an aggregate total of \$2,000 per lobbyist.

### Late Payment of Lobbying Fees

Lobbying related fees are due at the time of lobbyist license application or principal registration. The lobbyist is responsible for the payment of their lobbyist license fee and the principal for the fees associated with the principal registration and lobbyist authorization. Wis. Stat. §§ 13.63, 13.75.

Calendar Days Late	Lobbyist	Principal
1-30	Warning	Warning
31-45	\$100	\$200
46-60	\$200	\$400
61+	\$300	\$600

## Summary of conversation with Daniel Carlton Jr., administrator:



### REASONS FOR IMPLEMENTING SETTLEMENT GUIDELINES

WEC finds it imperative that the requirements, prohibitions and consequences for those within its jurisdiction are public and equitably applied. The settlement schedules were developed to guarantee as much consistency as possible in the settlement process; provide clear guidance to the staff who draft settlements; and impart confidence to the public that all types of violations are addressed impartially.



### SUCCESS OF THE SETTLEMENT GUIDELINES

The settlement schedules result in similar penalties for similar violations, which helps WEC work more efficiently and improve consistency. While WEC can deviate from the settlement schedule if there are mitigating or aggravating circumstances, the schedules give the public confidence that no one party is treated unfairly. Consistency across WEC's operations is essential and their automated auditing system, combined with the settlement schedule, offers the stability and reliability the public expects from WEC.



### IMPLEMENTATION COSTS

The largest cost for developing and implementing the settlement schedules was staff time spent on drafting the administrative rule that authorized the settlement schedule. WEC reviews the schedule on a periodic basis and can modify the schedule as needed. Once established, the settlement schedule does not have maintenance costs.

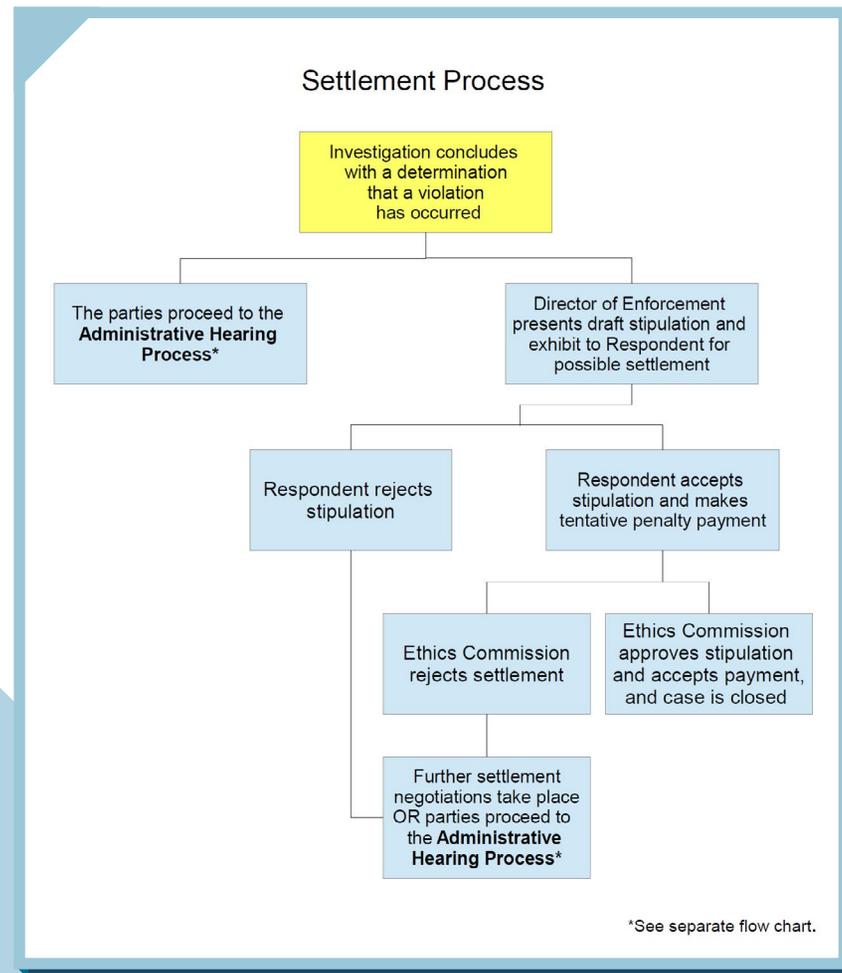


### IMPLEMENTATION TIPS

Ethics commissions should consider all relevant circumstances when developing settlement guidelines. The guidelines are an important tool, but they should not be followed blindly without periodic review. Ethics commissions should include a mechanism to revise the schedules and allow for the ethics commission to use its discretion in assessing, mitigating and/or aggravating circumstances that might cause a deviation from the settlement schedule.

# Los Angeles City Ethics Commission

The Los Angeles City Ethics Commission (LA City Ethics Commission) has developed a settlement system where a 50% reduction of the maximum charged penalty can be offered where there are mitigating and/or aggravating circumstances and the respondent agrees to settle prior to a probable cause determination.



## Summary of conversation with David Tristan, executive director:



### REASONS FOR IMPLEMENTING SETTLEMENT GUIDELINES

Prior to the implementation of this penalty structure, the settlement process could be delayed by negotiations, ultimately leading to less accountability and a drain of LA City Ethics Commission resources. Often, the ability of the violator to negotiate was determined by their ability to pay for extensive legal counsel. LA City Ethics Commission wanted to create an objective standard for penalties to make the settlement process streamlined, fair and consistent across cases. It decided to start with the maximum penalty and implement a percentage reduction based on the scope of the violator's cooperation and the stage at which the settlement occurs. This structure was designed to promote early resolution and cooperation, while preserving due process rights and providing consistency for the commissioners, respondent and representative counsel throughout the settlement process.



### SUCCESS OF THE SETTLEMENT GUIDELINES

The fine reduction structure preserves resources. Staff time is protected by reducing excessive back-and-forth negotiations, while respondents using paid counsel save money. The consistency and predictability are the biggest successes of the policy — respondents are assured that LA City Ethics Commission is not just posturing with settlement offers and commissioners feel comfortable approving settlements that result from this structure because they know the amount was determined through a trusted process.



### IMPLEMENTATION COSTS

The primary costs came from determining what structure worked best for LA City Ethics Commission to adopt and developing the policy. LA City Ethics Commission created a subcommittee to review options, and the commission analyzed other jurisdictions' approach to settlement offers. Once implemented, the policy requires few resources to maintain.



### IMPLEMENTATION TIPS

Settlement negotiation policies should align with an ethics commission's priorities, resources, stated goals and governing laws. The process is not one-size-fits-all; ethics commissions should determine what their enforcement priorities are before agreeing to a specific structure for settlement negotiations. Using a percentage reduction may not work as well as settlement rubrics for some jurisdictions, as smaller ethics commissions may find it harder to implement such a policy. Reviewing other ethics commissions' settlement guidelines is an advantageous first step.

# 05

# INVESTIGATION TIMELINES

## What Is It?

Investigation timelines are procedures for an ethics commission to review and resolve complaints without delay. These timelines should not be artificial timelines that incentivize hasty investigations. Rather, these are timelines that an ethics commission believes are manageable, provide due process for the respondent and result in prompt resolutions. While timelines are often imposed by statute, an ethics commission can impose their own timelines to keep themselves accountable.

## Why It Matters

Without specific timelines for the complaint process, investigations may continue without a clear end. Failure to resolve complaints can harm respondents who remain under suspicion of wrongdoing and harm the public who are uncertain about whether the ethics commission prioritizes the issue. Timelines that are too rigid, however, can incentivize respondents to stall the investigation or be less cooperative. Finding the right balance with timelines is a critical part of implementation.

## Benefits



### ACCOUNTABILITY

Encourages the ethics commission to take meaningful action to investigate potential violations promptly



### DETERRENCE

Establishes that the ethics commission actively investigates potential violations



### PUBLIC TRUST

Reassures the public of the ethics commission's dedication to resolving ethics complaints

# Texas Ethics Commission

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The Texas Ethics Commission (TEC) has a 120-day timeline to resolve a complaint it receives. TEC must provide meaningful information to the public regarding the investigation, including timelines for completing the investigation.

## **Efficiency Measure: NEW. Average Time to Resolve Complaints After Jurisdiction is Accepted**

Definition: Once the commission determines that a sworn complaint complies with the legal and technical requirements and is within the commission's jurisdiction, the commission must notify the complainant and respondent in writing of the decision that jurisdiction has been accepted over the complaint. The date the notification of determination is sent to the respondent is recorded in a database. The date a complaint is resolved (or "closed") is also recorded in a database.

Data Limitations: This data is very reliable.

Data Source: The data is retrieved from the Commission's internal database.

Methodology: This measure is calculated by a computer generated report which: 1) takes the total number of complaints closed in a period and extracts from that total the complaints over which jurisdiction was accepted; 2) for each complaint, subtracts the number of calendar days from the date the notice of jurisdiction was sent from the date of resolution; 3) adds the number of calendar days for each complaint; 4) divides the total number of calendar days by the total number of complaints.

Purpose: This measure directly relates to the Commission's Goal 1 objective by responding to sworn complaints in a timely manner.

## Summary of conversation with J.R. Johnson, interim executive director; James Tinsley, interim general counsel; and Nick Espinosa, director of enforcement:



### REASONS FOR IMPLEMENTING INVESTIGATION TIMELINES

The Texas State Legislature imposed the timelines after a history of frivolous complaints filed against legislators during the campaign season intended to politicize the complaint and investigation process. Legislators wanted the complaints to be resolved expeditiously. The 120-day timeline was accompanied by a requirement for TEC to provide meaningful information to the public, such as investigation timelines, which enable the legislature to measure TEC's workload for appropriation purposes.



### SUCCESS OF INVESTIGATION TIMELINES

The implementation of the 120-day timeline increased the speed of resolution from an average of 180 days to 40. The timeline results in active work on all matters, which prevents matters from being overlooked.



### IMPLEMENTATION COSTS

To complete an investigation effectively within 120 days, TEC acquired a case management system to help track complaints and ensure that the investigations occur within the required time frame. During major election years, TEC may hire an additional attorney to handle the increased volume of complaints.



### IMPLEMENTATION TIPS

Ethics commissions that establish timeline policies should account for investigations that may take longer than others. For example, a matter may have a significant volume of discovery or respondents may use tactics to delay. As a result, the timelines should have flexibility in extraordinary circumstances but not provide an opportunity for parties to "run out the clock." The timelines should also be tailored to the state's system of adjudication — an ethics commission that has a board of volunteer commissioners would likely need different timelines than an ethics commission that uses administrative law judges, for example.

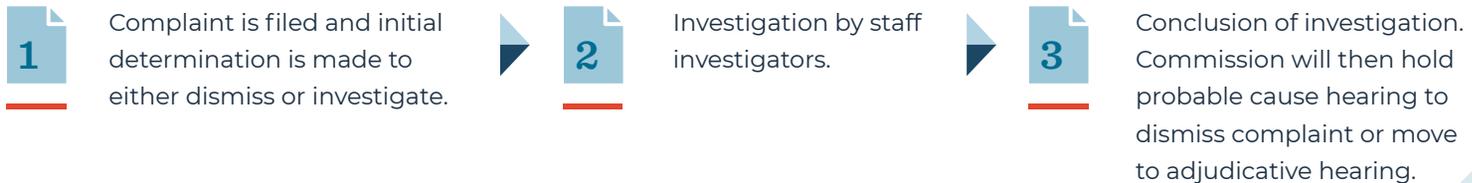
# Rhode Island Ethics Commission

In 1991, the Rhode Island General Assembly created a 180-day timeline for the Rhode Island Ethics Commission (RIEC) to complete its investigation, with an option of two 60-day extensions for good cause.

## Investigation

The Commission may issue subpoenas to compel the production of evidence or the attendance of witnesses. Staff Investigators may take oral or written evidence under oath or affirmation. An investigation must be completed within 180 days after the complaint is filed, unless the Commission approves an extension for good cause, with a maximum of two such 60-day extensions. Investigative Reports compiled by staff become public records after a probable cause hearing has been completed.

180 DAYS



## Summary of conversation with Jason Gramitt, executive director/chief prosecutor:



### REASONS FOR IMPLEMENTING INVESTIGATION TIMELINES

Prior to the adoption of the timeline, RIEC could not publicly comment on investigations, making it impossible to share with the public the status or occurrence of an investigation. Without a specific timeline in place, the inability to comment on investigations could last for extended periods of time, decreasing public confidence in RIEC. Additionally, without a time frame, subjects of investigations felt like they could face an endless investigation.



### SUCCESS OF THE INVESTIGATION TIMELINES

The timelines have improved enforcement by making the investigations more streamlined and organized. RIEC also receives documents sooner from parties due to the statutory timelines. The public appearance of RIEC's work is improved because the public has confidence that when a complaint is filed it is resolved. Overall, the time limit benefits the public by aiding in transparency, as the public learns about a case's resolution in a specific time period.



### IMPLEMENTATION COSTS

To feasibly complete an investigation within a specific time frame, an ethics commission needs sufficient staff and budget.



### IMPLEMENTATION TIPS

Although in this case the legislature imposed the timeline, ethics commissions can create their own timelines internally or create a timeline goal.

# 06

## INSTANT CASE UPDATES

### What Is It?

Instant case updates are public-facing online platforms that enable the public to file legally sufficient complaints and monitor the status of the resolution of the complaint. The system informs the complainant and the public of significant developments in the matter.

### Why It Matters

Online complaint filing systems without clear instructions or requirements result in incomplete submissions that cannot generate an enforcement action; or the filing system may deter submissions because it is too complicated. More importantly, providing the public with an investigation and tracking system (while keeping certain information confidential if required by law) allows the public to see the ethics commission at work and encourages trust in the process.

### Benefits



#### **ACCOUNTABILITY**

Keeps ethics commission accountable to public monitoring of case progression and resolution



#### **DETERRENCE**

Shows potential violators that the ethics commission investigates complaints and holds individuals accountable



#### **PUBLIC TRUST**

Fosters the public's trust that those who violate ethics laws will be held accountable

# California Fair Political Practices Commission

The California Fair Political Practices Commission (FPPC) offers a Complaint and Case Information Portal on its website. The portal allows the public, media and stakeholders in the enforcement process to find information related to complaints and cases, which are updated in the portal twice daily. The portal allows searches by case or complaint number, jurisdiction, respondent or complainant.

**Complaint and Case Information Portal**

Welcome to the new Complaint and Case Information Portal. You can use the Complaint and Case Information Portal to find information related to complaints and cases. The Portal is updated twice per day. Cases appear five days after notice of opening and complaints appear 5 days after notification that a determination has been made.

NOTE: In using the Complaint Search, a status of "case open" means that a complaint was opened into a case and an investigation is now pending. For the current status of the matter, please check in the Case Search. Results that return "N/A" designate information that is not currently publicly available or cannot populate in the portal due to system limitations. Such information may be available through a public records request."

Information You Can Find ▶

Instructions for How to Search ▶

### Search for Cases

To view the mobile version of the search.

Complaint No.	Type	Status	Jurisdiction	External Parties
COM-10202022-03975	Sworn Complaint	Closed - Complaint Rejected	State No Cities, State	Respondents: Notalie Polugyal; Ryan Buros Complainants: Sean Smith
Date Received: 10/20/2022				
COM-10132022-03657	AdWATCH	Case Opened	Local Hemet, Riverside County	Respondents: City of Hemet Complainants: Ann Smith
Date Received: 10/13/2022				
COM-10122022-03620	AdWATCH	Closed - Complaint Rejected	Local Hemet, Riverside County	Respondents: City of Hemet Complainants: Ann Smith

## Summary of conversation with Richard C. Miadich, chair; Galena West, executive director; and Angela Brereton, enforcement division chief:



### REASONS FOR IMPLEMENTING INSTANT CASE UPDATES

Prior to the online complaint and case information portal, complaints were not digitized. Anyone who wanted public information about a case had to contact the FPPC and staff processed the request. The updated portal allows digital filing of complaints, and the public and the media can view the documents they need easily.



### SUCCESS OF THE COMPLAINT AND CASE INFORMATION PORTAL

The portal has significantly reduced public records requests associated with complaints and cases because those who are seeking information now have access to those documents, saving FPPC staff significant time in processing those requests. The portal also facilitates engagement with the enforcement process, as the public can access more specific information faster. Additionally, the number of complaints submitted to the FPPC has increased every year for five years; while it is not certain, this increase in activity seems likely to be in response to the increased access the public has to the complaint filing and tracking system. The portal demonstrates to subjects of enforcement actions that the FPPC handles matters consistently and fairly.



### IMPLEMENTATION COSTS

The public-facing portal required the use of a programmer, a third-party platform for the database that populates the portal and additional in-house resources. The major financial cost was the upfront integration of the database that digitized the complaint filing and tracking system. However, once implemented, the information on the public-facing portal populates automatically, and the IT staff can add elements if needed.



### IMPLEMENTATION TIPS

The FPPC recommends that other ethics commissions looking to implement this feature have a clear vision of the public-facing elements and think carefully about what that might mean for the way it is incorporated into any internal-facing system. For example, there may be limitations on what the public can see and search on the portal based on what the internal-facing system includes. Always make sure to communicate with any programmer or IT personnel the importance of adaptability for the tool and incorporate the future scale of the tool into the goals of the project.

# 07

# ANONYMOUS TIP HOTLINE

## What Is It?

An anonymous tip hotline is an informal channel in lieu of a formal complaint system, where the public or government employees can notify an ethics commission of potential misconduct. The tips can either be shared through a phone number or an online system. Often, the hotline operates 24 hours, seven days per week.

## Why It Matters

Ethics commissions that provide easily accessible methods of exposing potential ethics violations may have more opportunities to enforce ethics laws. Convenient, anonymous methods for reporting wrongdoing incentivize people to submit complaints that can lead to more enforcement. Formal written complaints may deter those who want to quickly report an ethics issue through a hotline, particularly if they can do so anonymously. A hotline invites those people to engage with the ethics commission's enforcement.

## Benefits



### ACCOUNTABILITY

Encourages the public and government employees to report violations that are unknown to the ethics commission



### DETERRENCE

Increases the likelihood that unethical conduct is detected and reported



### PUBLIC TRUST

Demonstrates to the public the ethics commission's commitment to uncovering unethical conduct

# City of Atlanta Ethics Division

The City of Atlanta Ethics Division (Ethics Division) has an Integrity Hotline where anyone can call to report an ethics violation. The Integrity Hotline is available 24 hours a day, and individuals can submit complaints anonymously. Atlanta uses a third-party processor to operate the Integrity Hotline.

The screenshot displays the Atlanta Ethics Integrity Matters website. The header features the City of Atlanta seal, the title "Atlanta Ethics Integrity Matters", and contact information: Tel: 404-330-6286, Integrity Hotline: 800-884-0911, and ethicsofficer@atlantaga.gov. A navigation menu includes links for About Us, Advice, Code of Ethics, Education, Enforcement, Financial Disclosure, Resources, and Contact Us. The main content area is titled "Integrity Line" and includes a breadcrumb trail: Home >> Enforcement >> Integrity Hotline. A photograph of a man on a phone is accompanied by the text: "Call 1-800-884-0911 or file a report online at [www.atlantaga.ethicspoint.com](http://www.atlantaga.ethicspoint.com)". Below this, it states "Available 24 hours a day, 365 days a year" and "When should I call the Integrity Line?". A list of reportable incidents includes: conflicts of interest, theft and fraud, accounting and audit irregularities, misuse of city property, inappropriate gifts and gratuities, improper dealings with customers and vendors, illegal harassment and discrimination, and threats or violence. A question "Can I remain anonymous?" is answered with "Yes. You do not have to give your name." The right sidebar contains an "Enforcement" menu with links to "File an Ethics Complaint", "Enforcement Case Flowchart", "Past Ethics Cases", and "Integrity Hotline". It also features a "Follow us on Twitter!" section and an "Ethics Quicklinks" section with links to "View Code of Ethics", "File an Ethics Complaint", "File Disclosure Reports", "Search Disclosure Reports", and "Office of the Inspector General". At the bottom right, there is a "Newsletter Sign Up" form with fields for "First Name", "Last Name", and "Email".

## Summary of conversation with Jabu Sengova, ethics officer; and Carlos Santiago, deputy ethics officer:



### REASONS FOR IMPLEMENTING THE ANONYMOUS TIP HOTLINE

Prior to the hotline, a person could call or email a formal written complaint to the Ethics Division, but anonymous complaints were not possible. Following an ethics scandal involving the former mayor, the public and incoming mayor strongly supported an effort to bolster ethics in Atlanta. The Ethics Division launched a public awareness program called Integrity Matters, and the program included advertising of the new hotline to encourage reporting of ethics violations.



### SUCCESS OF THE ANONYMOUS TIP HOTLINE

The Ethics Division has found that a majority of complaints are received through the hotline and that over half of those complaints are from city employees. The complaints have resulted in significant investigations of violations that the Ethics Division could not have discovered without tips. The Ethics Division has also identified insightful trends of unethical behavior. The hotline builds confidence and morale of city employees because they have a channel to report matters of concern.



### IMPLEMENTATION COSTS

To create and maintain the Integrity Hotline, the Ethics Division retains a third-party processor that receives the tips and then provides the Ethics Division with the information. Implementation required substantial advertising of the hotline to the public and government employees.



### IMPLEMENTATION TIPS

Funding for the hotline is critical, including funding for advertising and for an ethics commission to hire the staff necessary to manage the hotline and comb through complaints. Informing city employees and the public of the hotline is important for its effectiveness. The City of Atlanta regularly advertises the hotline — through letters sent by the mayor, wallet cards describing the hotline and teaching about it in employee training.

# 08

# ENFORCEMENT METRICS

## What Is It?

Enforcement metrics are publicly available data of cases opened and resolved that show an ethics commission's rate of completing enforcement actions. The data is most useful when it is clear and concise and is searchable, sortable and accessible on the ethics commission's website.

## Why It Matters

Keeping the public updated on enforcement actions notifies them of how the ethics commission resolves complaints and holds the noncompliant accountable. Accessible and clear metrics also encourage public engagement with the ethics commission.

## Benefits



### ACCOUNTABILITY

Demonstrates that an ethics commission is accountable to the public for active enforcement duties and is holding others accountable



### DETERRENCE

Gives notice to public officials, employees and others that the ethics commission actively pursues ethics violations



### PUBLIC TRUST

Informs the public that the ethics commission is implementing its enforcement mission

# Ohio Ethics Commission

The Ohio Ethics Commission (OEC) publishes metrics of its actions annually. The metrics include the types of entities investigated, the subject area(s) investigated and the total number of censures issued, as well as the number of investigations opened, closed and settled.



## Summary of conversation with Paul M. Nick, executive director; and James Hood, general counsel:



### REASONS FOR IMPLEMENTING ENFORCEMENT METRICS

OEC began compiling this information to compare investigations with advisory opinions and to track entities that requested advisory opinions. OEC wanted a data-driven document that was easily readable and accessible to its audience.



### SUCCESS OF VIRTUAL PUBLIC MEETING

The metrics measured by OEC provide them insight into those within its jurisdiction who need more training and outreach based on violations. The metrics have also allowed OEC to better prioritize resources based on prevailing trends. The media and public have provided positive feedback on the accessibility of this information, including when the data is incorporated into the OEC's newsletter.



### IMPLEMENTATION COSTS

OEC hired a case manager to create spreadsheets, format graphs presenting the information and construct a visual representation of the data.



### IMPLEMENTATION TIPS

A database that maintains data comprising the metrics is integral for providing the information to the public. The categories in the database should be well thought out so that an ethics commission can effectively sort through its cases. Case management systems would also be helpful.

# Florida Commission on Ethics

The Florida Commission on Ethics (FCE) provides information about complaints filed, including the positions of the individuals the complaints were filed against, the violations alleged in the complaints and a summary of actions FCE took on the complaints.

## Operations

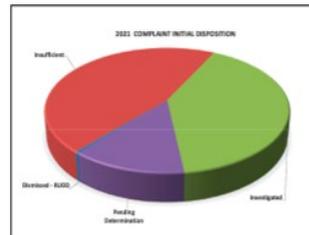
The major operational functions of the Commission on Ethics are the investigation of complaints and referrals,\* management of the Executive Branch Lobbyist Registration Act, issuance of advisory opinions, provision of public information and education, and financial disclosure administration. This section offers a profile of the Commission's workload, which notwithstanding the Covid-19 pandemic, has remained steady. Despite staffing challenges, the Commission staff continues to adapt and increase productivity.

### Complaints

Total number of complaints and referrals filed in 2021 .....238

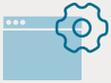
POSITION	NUMBER OF COMPLAINTS	PERCENT OF TOTAL
State Elected	17	7.1%
State Appointed	4	1.7%
State Employee	9	3.8%
District Elected	27	11.3%
District Employee	9	3.8%
County Elected	37	15.5%
County Appointed	3	1.3%
County Employee	20	8.4%
Municipal Elected	72	30.3%
Municipal Appointed	3	1.3%
Municipal Employee	32	13.4%
Candidate	1	0.4%
Lobbyist	4	1.7%
<b>TOTAL</b>	<b>238</b>	<b>100.0%</b>

Of the 238 complaints and referrals received in 2021, 109 were dismissed for lack of legal sufficiency; 1 was dismissed because the public interest would not be served by proceeding further ("Rudd Amendment"); 97 were ordered to be investigated; and 31 were pending a legal sufficiency determination, as of December 31.



\* The Commission may accept referrals from the Governor, State Attorneys, U.S. Attorneys, and the Florida Department of Law Enforcement.

## Summary of conversation with Kerrie Stillman, executive director:



### REASONS FOR IMPLEMENTING ENFORCEMENT METRICS

FCE is statutorily required to publish a document of its work to the state legislature and has included this in its publicly available annual report.



### SUCCESS OF ENFORCEMENT METRICS

The published metrics have empowered the public to hold public officials accountable.



### IMPLEMENTATION COSTS

Compiling the information and making calculations for the published metrics takes staff time.



### IMPLEMENTATION TIPS

Ethics commissions should take any opportunity to publish information that will educate the public about its jurisdiction, processes and results. Staff compiling the data should be knowledgeable about the ethics commission's work to understand the information and know what data is relevant.

# 09

# NONCOMPLIANCE LIST

## What Is It?

A noncompliance list is a coherent and easily accessible list of individuals who were assessed fines for failing to comply with certain laws or rules. The list may include the names of those who paid or failed to pay fines relating to late or non-filings, the particular law or rule that was violated and the amount of the fine assessed.

## Why It Matters

When ethics commissions provide easily accessible information about public officials and others who violate the law, they help the public and other stakeholders. The public benefits from having information about which public officials are noncompliant, allowing them to make educated decisions about their elected representatives. Individuals subject to the rules benefit from knowing the ethics commission is enforcing the law. When it is known that violations result in penalties, compliance is likely to increase.

## Benefits



### ACCOUNTABILITY

Holds people who have been assessed fines to public scrutiny



### DETERRENCE

Increases compliance to avoid negative public attention



### PUBLIC TRUST

Informs the public that the ethics commission penalizes violators

# Oklahoma Ethics Commission

The Oklahoma Ethics Commission (OKEC) publishes lists of late filers of campaign finance and lobbying reports. The lists include the total number of late filers and the percentage of on-time filings, as well as each noncompliant individual's name, the relevant reporting period and the number of days late.

**OKLAHOMA ETHICS COMMISSION**

**2022 June Lobbyist Expenditure Report Late Filers**  
Legislative, Both Legislative & Executive, and Executive Lobbyists and Liaisons

Total Number of Filings Due	608	Percentage of On Time Filings	98%
Total Number Filed on Time	595		

**TOTAL LATE FILERS:**

1 day late:	5	5 days late:	0
2 days late:	0	6 days late:	0
3 days late:	5	7 days late:	0
4 days late:	0	>7 days late/Not filed	3

**LATE FILERS**

**1 DAY LATE**

MCCOLLUM, JENNIFER  
BARNES, LISETTE M  
SEAROCK, ELIZABETH

MAGANA, JOSEPH  
TIDWELL, JOHN MICHAEL

**3 DAYS LATE**

LOUGHLIN, JEFFREY  
RANEY, CANDACE  
DAVIDSON, GARY

ZAMORA, PAIGE  
BALDARO, JACQUELINE

**> 7 DAYS LATE/NOT FILED**

LAUGHLIN, TYLER  
BEARD, ALEXANDER BENNETT  
WEBB, NATHAN THOMAS

## Summary of conversation with Ashley Kemp, executive director:



### REASONS FOR IMPLEMENTING NONCOMPLIANCE LIST

The list predates the current ethics commission and was in place for many years as a way to provide notice to those who missed their timelines or did not file reports at all. Initially the list was a legal requirement, but OKEC publishes it now as a matter of commission policy. OKEC wants to motivate individuals to file on time, providing voters with accurate information prior to elections.



### SUCCESS OF THE NONCOMPLIANCE LIST

OKEC has found that lobbyists and others who routinely interact with OKEC use the list for compliance guidance, and it incentivizes them to file on time. Avoiding public scrutiny for late filings is important to filers.



### IMPLEMENTATION COSTS

The list is compiled manually by OKEC staff, who use a template and have a system of accuracy checks. While the list requires staff time, minimal additional resources are needed and the benefits of publishing it far outweigh the costs.



### IMPLEMENTATION TIPS

Commissions seeking to publish similar lists should find the right balance for their individual priorities and consider how such a list may facilitate achieving their particular goals. The key is to make the list a priority and to publish it consistently. Consistency achieves the compliance and deterrence goals of an ethics commission because filers know that the list will be made public on a certain day. The method of dissemination may look different for each ethics commission, but releasing the lists is paramount as ultimately the information belongs to the public.

# Florida Commission on Ethics

The Florida Commission on Ethics (FCE) publishes a list of individuals who failed to file financial disclosures on time or at all. The list includes the name of the filer, the organization of the filer, the disclosure at issue and the amount of the fine assessed. FCE also publishes a list of individuals who have been referred to collection agencies for failure to pay automatic fines accrued because of non-filed or late-filed annual financial disclosure forms.

**Search for Financial Disclosure Filers**

**Financial Disclosure Fines Accrued Report**

Fines accrued as of October 31, 2022

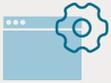
Individuals listed below have not filed financial disclosure or have filed financial disclosure late for form year 2021 with the Commission on Ethics.

Pursuant to Section 112.3144(8)(f) or Section 112.3145(8)(g), Florida Statutes, the filer has been assessed a fine of \$25 for each day late, up to a maximum fine of \$1,500 (60 days late).

\*All late and non-filers will receive notice of their right to appeal.  
Appeals are governed by Chapter 112, Part III, F.S. and Chapter 34-8, F.A.C.

Ctr	Organization	Name	Filer ID	Form Type	Date Filed	Fine Amount
1	Administration, State Board Of, Employees	Denene Cook	268906	1		\$1,500.00
2	Agriculture, Department Of, Employees	Veronique George	290112	1		\$1,500.00
3	Agriculture, Department Of, Employees	Stephanie McClung	275810	1		\$1,500.00
4	Agriculture, Department Of, Employees	Deborah Tannenbaum	282796	1		\$1,500.00
5	Agriculture, Department Of, Florida State Fair Authority	Alexander Johns	270018	1		\$1,500.00
6	Alachua Soil & Water Cons. Distrct., Board Members	Lisa Charney	284038	1	09/02/2022	\$25.00
7	Altamonte Springs, Code Enforcement Board	Thomas York	294292	1		\$1,500.00
8	Alva Fire Control & Rescue Dis, Board of Commissioners	Russell Crook	283467	1	10/17/2022	\$1,150.00
9	Apalachicola, Board Of Adjustment	Atul Patel	245695	1	09/13/2022	\$300.00
10	Apopka, Community Redevelopment Agency	Leigh Burrirtt	294809	1		\$1,500.00
11	Arcadia, Historic Preservation Commission	Frank Baxley	3400	1	09/15/2022	\$350.00
12	Arcadia, Planning And Zoning Board	Marilyn McConnell	288281	1		\$1,500.00

## Summary of conversation with Kerrie Stillman, executive director:



### REASONS FOR IMPLEMENTING NONCOMPLIANCE LIST

The charge of FCE is to make information accessible to the public, and it has always maintained a list of individuals who accrued fines for failure to file timely financial disclosures. Public demand for the list was high, so FCE created a tool to make the information easily available on the website.



### SUCCESS OF THE NONCOMPLIANCE LIST

The list provides awareness to the public, the media and filers about how FCE enforces late filings, and it serves as a way for stakeholders to monitor compliance. Members of the public appreciate the availability of this information and the continued assurance of FCE's commitment to transparency.



### IMPLEMENTATION COSTS

FCE relies on financial disclosure staff, redaction staff and a financial disclosure coordinator in each agency it oversees to monitor late filings and publish the list. Creating the list is relatively time-intensive.



### IMPLEMENTATION TIPS

Each individual ethics commission must decide how to present the information in a way that shows they are impartial.

# 10

# SEARCHABLE ENFORCEMENT ACTIONS

## What Is It?

Searchable enforcement actions are user-friendly databases that allow the public to find the ethics commission's cases against noncompliant individuals and organizations.

## Why It Matters

Ethics enforcement best serves the public when the actions of the ethics commission are transparent. When the public has insight into how an ethics commission investigates violations and assesses penalties, it reinforces trust that the government is prioritizing ethics laws and holding officials accountable. Presenting this information in a searchable and digestible format helps ethics commissions achieve both their transparency and enforcement goals.

## Benefits



### ACCOUNTABILITY

Enables the public to hold officials and others accountable for ethics violations through meaningful transparency of enforcement actions



### DETERRENCE

Provides examples of the consequences of noncompliance, including public scrutiny



### PUBLIC TRUST

Reassures the public that the ethics commission actively enforces the law

# Washington State Executive Ethics Board

The Washington State Executive Ethics Board (EEB) has a searchable and sortable database of enforcement actions that contains the case resolution, the relevant agency, a summary of the violation, the result of any investigation, any fine assessed and the law at issue in each enforcement case. The cases can be filtered by year, and a keyword search allows users to find specific topics or facts mentioned in the case files. EEB also provides a list of enforcement actions organized by agency.

The screenshot shows the Washington State Executive Ethics Board website. The main navigation menu includes Home, Training, Advisories, Enforcement (selected), Meetings, Resources, and About Us. The breadcrumb trail is Home » Enforcement » Results of Enforcement. The page title is 'Results of Enforcement'. There are filters for 'Filter by Year' (set to '-Year') and a 'Keyword Search' field with 'Apply' and 'Reset' buttons. A table of enforcement actions is displayed below.

Case	Agency	Violation/Result	Penalty Amount	Laws RCW
2022-004	Department of Health	<b>Violation:</b> A Data Support Unit Manager with the Department of Health, may have violated the Ethics In Public Service Act by requiring all staff to participate in team meetings where they played office Olympics and won monetary gifts.  <b>Result:</b> And agreed Stipulation and Order was entered on September 9, 2022 imposing a civil penalty of \$250.	\$250	RCW 42.52.160
2021-056	Department of Social and Health Services	<b>Violation:</b> A former Social and Health Program Consultant 4 at the Department of Social and Health Services, may have violated the Ethics In Public Service Act by using state resources for personal benefit and gain. Evidence indicated that they used their state email	\$3,250	RCW 42.52.050 RCW 42.52.160

## Summary of conversation with Kate Reynolds, executive director:



### REASONS FOR IMPLEMENTING SEARCHABLE ENFORCEMENT ACTIONS

The EEB has always publicized enforcement actions, but a 2016 website overhaul optimized the search function and improved efficiency. The EEB strives for transparency of its actions and proper government employee conduct.



### SUCCESS OF THE SEARCHABLE ENFORCEMENT ACTIONS

Multiple stakeholders find the database useful. State employees and the public rely on the keyword search function to learn average fines for violations and similar information. The database informs people of the consequences if they fail to comply with ethics laws and regulations. The EEB itself uses the database when answering questions from state employees, as the search function allows them to quickly sift through years of data, including advisory opinions.



### IMPLEMENTATION COSTS

The system's implementation required internal IT support, but one staff member uploads the enforcement actions to the website. The search function does not generally require ongoing maintenance, but IT support is needed if issues arise.



### IMPLEMENTATION TIPS

Ethics commissions looking to implement a search function should be mindful of what information they want to be made public and accessible via search. Considerations might include what is required to be confidential by law and what can be easily digestible or accurately interpreted. The information made available should provide more answers than questions.

# The Minnesota Campaign Finance and Public Disclosure Board

The Minnesota Campaign Finance and Public Disclosure Board (the Board) publishes its enforcement actions in a database that allows the user to sort and filter by respondent. The database shows the date, origin of the case (complaint or staff review), respondent, subject of the case, action taken, date of initiation and a document index that includes the initiating complaint and any resolution materials.

The screenshot shows a web interface for the Minnesota Campaign Finance and Public Disclosure Board. At the top, there is a navigation menu with links for HOME, FILER RESOURCES, CITIZEN, REPORTS & DATA, PUBLICATIONS, and CONTACT US. Below this is a sub-header for RESOURCES, followed by a section titled "Board enforcement actions". A text box states: "The grid below includes matters resolved since January 1, 2005, and selected older matters". Below this is a link: "Click here to view the archive of older findings". A sorting dropdown menu is set to "Sorted by Date, newest on top" with an option to "Sort by Respondent". The main content is a table with the following columns: Resolution Date, Action Type, Complainant, Respondent(s), Subject, Action Taken, Initiation Date, and View Documents. The table contains six rows of data.

Resolution Date	Action Type	Complainant	Respondent(s)	Subject	Action Taken	Initiation Date	View Documents
10/24/2022	Complaint	Jon Erik Kingstad	Ron Eibensteiner; Upper Midwest Law Center; Koch Industries, Inc.; Pine Bend PAC; Koch Companies Public Sector, LLC; Jim Schultz For Minnesota Attorney General; Center of the American Experiment; Flint Hills Resources Pine Bend, LLC	Corporate contribution; circumvention; commingling; lobbyist disbursement reports; prohibited contribution by independent expenditure committee or fund; bribery	Dismissal	10/11/2022	<a href="#">Document Index</a>
10/13/2022	Complaint	Robert Hoffman	Lisa Hanson for Senate	Disclaimer	Agreements	8/4/2022	<a href="#">Document Index</a>
10/5/2022	Complaint	Greg Henningsen	Vote Duckworth (Zach)	Corporate contribution	Dismissal	8/17/2022	<a href="#">Document Index</a>
9/10/2022	Staff review		James Erickson	Sessional contribution	Agreements	6/21/2022	<a href="#">Document Index</a>
8/31/2022	Complaint	Bob Foster	Scott County RPM; Joseph Ditto	Reporting; coordinated expenditures; issues outside the Board's investigative authority	Dismissal	8/22/2022	<a href="#">Document Index</a>
8/29/2022	Staff review		Simon (Steve) for Secretary of State	Sessional contribution	Agreements	5/20/2022	<a href="#">Document Index</a>

## Summary of conversation with Jeff Sigurdson, executive director:



### REASONS FOR IMPLEMENTING SEARCHABLE ENFORCEMENT ACTIONS

Before the Board implemented the current searchable database system, the website had the same information in a less accessible format. The Board believes that an investigation and any resolution are meaningless unless the subject and public are provided with a coherent understanding of the result. Therefore, the Board created the database to give the public clear information on the resolution of enforcement actions, allowing voters to decide how to use that information.



### SUCCESS OF THE SEARCHABLE ENFORCEMENT ACTIONS

The most significant success of the searchable database is the way it provides accurate information more quickly to those who need it, particularly the public prior to elections. The media appreciates the ability to download data and conduct its own searches. This format also has made it easier to link to enforcement actions on other platforms, including social media, enabling a wider dissemination of the Board's work.



### IMPLEMENTATION COSTS

The new website that allowed for more advanced search functions and improved presentation required an outside vendor. Most of the costs were upfront. Adding new documents to the database does not require IT support and can be done by a Board staff member.



### IMPLEMENTATION TIPS

Starting from scratch with a searchable database is a large undertaking. Managing expectations with stakeholders about the timeline is important. Ethics commissions should have conversations with stakeholders before spending money on a new functionality to understand and prioritize the information the public needs.

## Top 10 Tools Chart

Tool	Benefits			Cost	Examples
<b>1. Automated Audits</b>	<p><b>ACCOUNTABILITY</b></p> <p>Uncovers violations or omissions in public filings quickly, resulting in corrections or penalties</p>	<p><b>DETERRENCE</b></p> <p>Provides notice to filers that the ethics commission has resources to review all submissions for noncompliance</p>	<p><b>PUBLIC TRUST</b></p> <p>Demonstrates to the public the ethics commission's commitment to robust enforcement</p>	Moderate	<p><b>Wisconsin Ethics Commission</b> ▶</p> <p><b>Maryland State Ethics Commission</b> ▶</p>
<b>2. Enforcement Heat Map</b>	<p>Provides the media and the public with easy access to enforcement information</p>	<p>Provides clear visibility and subjects violators to public scrutiny</p>	<p>Allows the public to see that officials are being held accountable</p>	Low	<p><b>California Fair Political Practices Commission</b> ▶</p>
<b>3. Expedited Case Resolution</b>	<p>Allows the ethics commission to devote appropriate resources across all enforcement matters and hold all violators accountable</p>	<p>Establishes that all potential violations are pursued, regardless of the severity level</p>	<p>Builds public confidence that the ethics commission values robust ethics enforcement</p>	Low	<p><b>San Francisco Ethics Commission</b> ▶</p>
<b>4. Settlement Guidelines</b>	<p>Holds the ethics commission accountable to fair and consistent standards</p>	<p>Publicizes most likely penalties for violations, which may discourage individuals from engaging in risky or problematic activities</p>	<p>Shows the public that the ethics commission penalizes violators, while using taxpayer time and money responsibly</p>	Low	<p><b>Wisconsin Ethics Commission</b> ▶</p> <p><b>Los Angeles City Ethics Commission</b> ▶</p>
<b>5. Investigation Timelines</b>	<p>Encourages the ethics commission to take meaningful action to investigate potential violations promptly</p>	<p>Establishes that the ethics commission actively investigates potential violations</p>	<p>Reassures the public of the ethics commission's dedication to resolve ethics complaints</p>	Moderate	<p><b>Texas Ethics Commission</b> ▶</p> <p><b>Rhode Island Ethics Commission</b> ▶</p>

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## Top 10 Tools Chart

Tool	Benefits			Cost	Examples
	ACCOUNTABILITY	DETERRENCE	PUBLIC TRUST		
<b>6. Instant Case Updates</b>	Keeps ethics commission accountable to public monitoring of case progression and resolution	Shows potential violators that the ethics commission investigates complaints and holds individuals accountable	Fosters the public's trust that those who violate ethics laws will be held accountable	Low-Moderate	<b>California Fair Political Practices Commission</b> ▶
<b>7. Anonymous Tip Hotline</b>	Encourages the public and government employees to report violations that are unknown to the ethics commission	Increases the likelihood that unethical conduct is detected and reported	Demonstrates to the public the ethics commission's commitment to uncovering unethical conduct	Moderate	<b>City of Atlanta Ethics Division</b> ▶
<b>8. Enforcement Metrics</b>	Demonstrates that an ethics commission is accountable to the public for active enforcement duties and is holding others accountable	Gives notice to public officials, employees and others that the ethics commission actively pursues ethics violations	Informs the public that the ethics commission is implementing its enforcement mission	Low-Moderate	<b>Ohio Ethics Commission</b> ▶ <b>Florida Commission on Ethics</b> ▶
<b>9. Noncompliance List</b>	Holds people who have been assessed fines to public scrutiny	Increases compliance to avoid negative public attention	Informs the public that the ethics commission penalizes violators	Low-Moderate	<b>Oklahoma Ethics Commission</b> ▶ <b>Florida Commission on Ethics</b> ▶
<b>10. Searchable Enforcement Actions</b>	Enables the public to hold officials and others accountable for ethics violations through meaningful transparency of enforcement actions	Provides examples of the consequences of noncompliance, including public scrutiny	Reassures the public that the ethics commission actively enforces the law	Low	<b>Washington State Executive Ethics Board</b> ▶ <b>The Minnesota Campaign Finance and Public Disclosure Board</b> ▶



## About Campaign Legal Center

The nonpartisan Campaign Legal Center advances democracy through law at the federal, state and local levels, fighting for every American's rights to responsive government and a fair opportunity to participate in and affect the democratic process.

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