

Patrick Monette-Shaw

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July 27, 2014

John St. Croix
Executive Director
San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Re: New Violation of San Francisco's SEI Conflict of Interest Code by Sunshine Ordinance Task Force Member David Pilpel

Dear Mr. St. Croix,

This is a formal complaint that on April 28, Sunshine Ordinance Task Force member David Pilpel appears to have also violated San Francisco's *Conflict of Interest Code* (a.k.a., San Francisco Campaign and Governmental Conduct Code, Sections 3.1-11 to 3.1-510) requiring that he file a Form 700 SEI by the April 1, 2014 due date (*in addition to* his alleged violation of the SIA governing the SOTF).

As of July 25, SOTF member Pilpel appears to have failed to file an FPPC Form 700, *Statement of Economic Interest*, for 116 calendar days (or 80 working days) counting from the April 1, 2014 required due date to San Francisco's Ethics Commission.

Violation of SEI Form 700 Filing Requirements

Members of the SOTF are required by San Francisco's *Conflict of Interest Code* (a.k.a., San Francisco Campaign and Governmental Conduct Code, Sections 3.1-11 to 3.1-510) to file Form 700's with the Ethics Commission through the Board of Supervisors Filing Officer. Of note, Member Pilpel is a designated "officer of the City" per San Francisco's City Charter.

On March 12, 2014, the Board of Supervisors Clerk of the Board, Angela Calvillo signed a "Certification of Delivery: Notification of SEI-Related Filing Requirements" (see Enclosure 1) prepared by Peggy Nevin, an Executive Assistant who appears to be the Board of Supervisors employee assigned as the Board's "Filing Officer" liaison to the Ethics Commission. The "Certification of Delivery" asserted that SOTF members had been notified of the requirement to file the annual (or assuming-office and leaving-office) Form 700's by the April 1 due date by providing instructions on how to file the Form 700, and provided the Form 700 to Task Force members. Therefore, Mr. Pilpel had received notice by March 12 of the required April 1 Form 700 filing deadline.

On April 8, 2014, the Board of Supervisors Clerk of the Board, Angela Calvillo signed a "Filing Officer Report: Providing FPPC Form 700 Non-Filer Information" (see Enclosure 2) prepared by Peggy Nevin, who appears to be the Board of Supervisors employee assigned as the Board's "Filing Officer" liaison to the Ethics Commission. The "Filing Officer Report" reported on page 2 that Member Pilpel was one of two SOTF members who had *not* submitted their assuming office, annual, or leaving-office Form 700 by the required April 1 deadline. The Filing Officer report was submitted to the Ethics Commission.

San Francisco's *Conflict of Interest Code* (a.k.a., San Francisco Campaign and Governmental Conduct Code) stipulates in Section 3.1-104(b), titled "Filing Officer Reports," that on or before April 10 of each year, the Ethics Commission "shall prepare a report setting forth the names of those persons who are required to file an annual statement with the Ethics Commission under this Chapter, but have failed to do so [failed to file the annual Form 700]."

Section 3.1-104(b) then states "by May 10 of each year, the Ethics Commission shall prepare a *supplemental* report setting forth the names of any persons who are required to file an annual [Form 700] statement with the Ethics Commission under this Chapter but have failed to do so by May 1. ... The Ethics Commission shall make these reports publicly available, including by posting the reports on its website."

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It appears Section 3.1-104(b) requires *both* the annual April 10 and May 10 Ethics Commission reports be posted on its web site. But as of July 25, it appears neither report have been posted on the Ethics Commission's web site.

Instead, a review of the Ethics Commission web site on July 23 revealed a list of six Form 700 SEI filers who had failed to submit their Form 700's by April 1, 2014. SOTF member David Pilpel was included on the Ethics Commission's list of Form 700 Non-Filers (see Enclosure 3, which is available on-line at www.sfethics.org/ethics/2014/06/statement-of-economic-interests-sei-form-700-non-filers.html).

Also on July 23, a search of the Ethics Commission's *Statement of Economic Interests Filings Database* — available on-line at <http://nf4.netfile.com/pub/?aid=SFO> (from web page www.sfethics.org/ethics/2009/05/statements-of-economic-interests.html) to locate SEI-related filings by each member's name — revealed that between July 1, 2011 and July 23, 2014 there were a total of six documents Mr. Pilpel has submitted to the Ethics Commission (see Enclosure 4). The list of six documents does *not* include a Form 700 Mr. Pilpel signed before April 1, 2014 for the time period January 1, 2013 through December 31, 2013.

Indeed, the Ethics Commission's on-line listing of documents Pilpel has submitted over the years includes as the most-recent Form 700 Pilpel submitted to Ethics was dated April 2, **2013** (see Enclosure 5) indicating both that Mr. Pilpel knows how to submit the Form 700's to the Board of Supervisors' Filing Officer for submission to Ethics, and that he failed to submit a Form 700 before April 1, 2014.

On July 2, San Francisco's Ethics Commission is reported to have mailed up to 39 late-filing-fee notices, but the Ethics Commission has not posted a list of the 39 late filers to its web site or how much each late filer may be being assessed in fees for having filed late.

The list of 39 late filers appears to involve only SEI Form 700 late filers. There is no explanation on the Ethics Commission's web site that 33 of the 39 late filers may have been prodded into compliance and may have been removed from the list of six remaining non-filers still listed on the Ethics Commission web site as non-filers — of which Mr. Pilpel apparently remains one, despite the probable July 2 notice the Ethics Commission is thought to have sent to him.

Enclosures 1 and 2 are public records responses from San Francisco's Clerk of the Board, Ms. Calvillo. Enclosures 3 through 5 are public documents posted on the San Francisco Ethics Commission web site.

Political Reform Act Code Violations

Although not part of the Political Reform Act code itself, local Ethics codes, including San Francisco's *Conflict of Interest Code* (a.k.a., San Francisco Campaign and Governmental Conduct Code, Sections 3.1-11 to 3.1-510) requires that Form 700's be filed through local policy body Filing Officers to our Ethics Commission.

Of note, Section 3.1-102.5(a), titled "*Failure to File*," of San Francisco's Campaign and Governmental Conduct Code stipulates that any "officer" of the City and County (of which SOTF members are defined as "officers") who fail to file SEIs required under Sections 3.1-101 and 3.1-102 within 30 days after receiving notice from the Ethics Commission of a failure to file may be subject to disciplinary action by their appointing authority. The Ethics Commission is also authorized by Section 3.1-102.5(b) to issue to an appointing authority recommendations to remove any City officer who has failed to file the required Form 700 statement within the 30-day period following receiving notice from the Ethics Commission regarding failure to file.

The Ethics Commission has known since April 8 that Pilpel had failed to file his required annual Form 700. By May 10, the Ethics Commission continued to report that Pilpel was a non-filer. And as of today, July 26, the Ethics Commission web site continues to show that Pilpel remains a non-filer. The Ethics Commission has been aware of this since the Board of Supervisors first notified Ethics on April 8 that Pilpel had not complied. The Ethics Commission should not have dragged its feet sending late-filing fee notices only on July 2. And the Ethics Commission has not responded yet to a records request to determine the date on which the Ethics Commission first informed Mr. Pilpel that he had failed to file the required annual Form 700.

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Despite receiving notice on March 12 that he was required to submit a Form 700 by April 1, 2014, Pilpel appears to have defiantly refused submitting a Form 700 for the intervening 117 days.

Remedies and Penalties Sought

As such, California Government Code Section 91013 providing that late-filing-fees cannot be waived for statements filed greater than 30 days following the due date — in this case, May 1 being the 30-day period following the April 1 due date — should apply, and at minimum, a late-filing fee against Mr. Pilpel should be assessed, and enforced.

After all, the SOTF is a quasi-judicial body charged with adjudicating citizen complaints of violations of our local open-government Sunshine Ordinance between citizens and local government officials who violate open public meetings and open public records laws. As such, Mr. Pilpel has, and continues to have, a higher ethical obligation to comply with City and State Conflict of Interest laws regarding disclosure of his Form 700's.

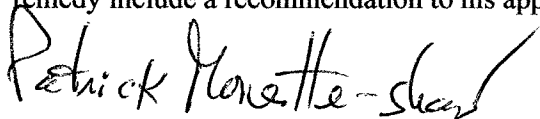
State and local law — of which Pilpel must surely be aware — provide that filer's who are more than 30 days late in filing their Form 700 SEI are subject to a fine of up to \$5,000 per violation, and willful failure to file may be a misdemeanor offense. There is no exemption in State law to let Mr. Pilpel off of the hook.

At a minimum, Mr. Pilpel should be fined at least \$800 (at \$10 per day for the 80 working days past April 1) for his failure to file his Form 700. If the fines are based on calendar days, Pilpel should be fined at least \$1,170 to cover the 117 calendar days that have passed since April 1. However, given the severity of Pilpel's flagrant violation of the Public Trust, he should be fined the \$5,000 per violation penalty.

Given that Mr. Pilpel is a member of a quasi-judicial body — the SOTF — and purports to have expertise in local and State open government laws, including San Francisco's Ethics laws, he should be fined the maximum amount permitted under California Government Code 91013.

Given the egregious nature of the conduct of Task Force Member David Pilpel, I respectfully request that the Ethics Commission find and determine that Mr. Pilpel's discipline should include a recommendation to his appointing authority that he be removed from the Sunshine Ordinance Task Force.

And given the egregious nature of having failed to file a Form 700 for calendar year 2013 for over seven months into the reporting period beginning on January 1, 2014, and four months past the April 1 due date, it is only appropriate that a remedy include a recommendation to his appointing authority that he be removed from the SOTF at once.



Patrick Monette-Shaw
Columnist/Reporter
Westside Observer Newspaper

cc: Ethics Commission President Ben Hur and Ethics Commission Members

San Francisco Ethics Commission
25 Van Ness Ave., Suite 220
San Francisco, CA 94102
Phone: (415) 252-3100
Fax: (415) 252-3112
Email: ethics.commission@sfgov.org
Web: www.sfethics.org



ENCLOSURE
Emailed to Ethics 3/12/14 - 12:27 AM
For SFEC use

Certification of Delivery:

Notification of SEI-Related Filing Requirements

(Filing Officers file this form to the Ethics Commission annually by March 15. File by fax, email, inter office delivery, or regular mail. Do not send more than once, unless you are amending this filing.)

This form is to certify that:

1. I have previously provided a complete list of the names and e-mail addresses for the department head, elected officials, and members of decision-making boards or commissions related to the department, and I have provided written notice to the Ethics Commission of the name of any person who has assumed or left office within 15 days of the officer's assuming or leaving office.
2. I have provided instructions on how to file the FPPC Form 700, and copies of the Sunshine Ordinance Declaration and the Certificate of Ethics Training to the department head, elected officials, and members of decision-making boards or commissions related to the department, who will then file Form 700 and the related documents with the Ethics Commission.
3. I have provided copies of the FPPC Form 700 to all designated employees, including consultants, and advising board members in my department who are required to file under the Conflict of Interest Code, San Francisco Campaign and Governmental Conduct Code section 3.1-100-3.1-510.
4. I will submit a Filing Officer Report to the Ethics Commission by April 10, listing contact information for all designated individuals in the department who have not filed their SEI.

I certify that my department/commission has notified the following filers of their assuming office, annual, and leaving office SEI-related filing obligations:

- Elected officials, members of boards and commissions, and department heads
- Advisory committee members and designated employees

AC
Board of Supervisors, AAB, LAFCO, SOTF

Department, Board, or Commission Name(s)

Angela Calvillo

Department Head Name

Department Head Signature

03/12/2014

Date of Signature (mm/dd/yyyy)

Certification of Delivery-Page 2

Peggy Nevin

Department /Staff Person's Name Filling Out this Form

Executive Assistant

Title

(415) 554-7703

Staff Person's Telephone Number

Peggy.nevin@sfgov.org

Staff Person's Email Address

Enclosure 2

San Francisco Ethics Commission
25 Van Ness Ave., Suite 220
San Francisco, CA 94102
Phone: (415) 252-3100
Fax: (415) 252-3112
Email: ethics.commission@sfgov.org
Web: www.sfethics.org



For SFEC use

**Filing Officer Report:
Providing FPPC Form 700 Non-Filer Information**

(Filing Officers must file this form to the Ethics Commission annually on or before April 10.)

This form is to certify that my department has completed the following:

- All advisory committee members, and designated employees have filed their SEI forms.
(If you checked this box, you only need to fill out the first page.)
- OR**
- My department has provided names, titles, direct mailing addresses, phone numbers, and email addresses for advisory committee members, and designated employees who **have not filed their SEIs.**
(If you checked this box, you must also fill out the second page of this form.)

SEI filings for advisory committee members and designated employees are kept at the following location in my department:

Sunshine Ordinance Task Force

Full Name(s) of Department, Board, or Commission

#1 Dr. Carlton B. Goodlet Place

Street Address

244

Room Number

San Francisco, CA

City, State

94102

Zip Code

Peggy Nevin

Name of staff person who manages and responds to public disclosure requests for SEI filings located at my department

Exec. Asst.

Title

(415) 554-7703

Staff Person's Direct Telephone Number

peggy.nevin@sfgov.org

Staff Person's Email Address

Angela Calvillo

Department Head Name

04/08/2014

Date this form was completed

Department Head Signature

04/08/2014

Date of Signature

**Filing Officer Report
Contact Information of Non-Filers**

Sent to archives 4/7/14
Please provide the information for your advisory board members and designated employees who have not filed an assuming office, annual, or leaving office FPPC Form 700.

If you wish, you may provide the information below to the Ethics Commission in MS Excel spreadsheet format.

	First Name	Last Name	Position or Title, Name of Board/Commission or Department	Direct Mailing Address	City	State	Zip Code	Assuming Office Date	Leaving Office Date	Email
F	Paula	Orange	Commissioner, Happy Trees Commission	123 Orange Ventures Street, Suite 900	San Francisco	CA	94105	March 15, 2013	December 15, 2013	Paulaorange@orangeventures.com
x										
A										
M										
P										
L										
E										
1	Kitt	Grant	Commissioner, Sunshine Ordinance Task Force							sunshinechairgrant@gmail.com
2	David	Pilpel	Commissioner, Sunshine Ordinance Task Force	2151 - 27th Ave	San Francisco	CA	94116			
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ENCLOSURE 3

SHARE Statement of

Economic Interests (SEI) (Form 700) - Non-filers

The filers listed in the table below did not file the Statement of Economic Interests (Form 700) by the due date.

	Name	Agency	Type of Filing	Due Date
1	Berg, Natalie	Community College District	Annual Form 700	04/01/2014
2	Dunlop, Mark	Treasure Island Development Authority	Annual Form 700	04/01/2014
3	King, Angelo	Commission on the Environment	Annual Form 700	04/01/2014
4	Pilpel, David	Sunshine Ordinance Task Force	Annual Form 700	04/01/2014
5	Terplan, Egon	Citizens General Obligation Bond Oversight Committee	Leaving Office Form 700	01/31/2014
6	Tsen, V. Fei	Treasure Island Development Authority	Assuming Office Form 700	01/20/2014

ENCLOSURE 4

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[Forms & Manuals](#)
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[Complaints](#)
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Statement of Economic Interests (SEI) Form 700 and Sunshine Ordinance Declaration and Certificate of Ethics Training

Search

Searches are case-insensitive. Searching for 'John' would match all filers with the first name 'John' or 'Johnson', OR last name 'Johnas' or 'Johnson'. A good rule of thumb is to enter only a small part of a name at first, then repeat with a longer portion of the name to reduce the number of matching results.

Filing Date

By default, only documents filed within the current year are displayed in the search results.

Search for Filed Statements

Filer Name

Position

Department

Filings Completed from Date

Filings Completed to Date

Include Non-Filers in search?

YES

Filer Name	Filed	Statement Type	Position	Department	View	Paper Amds	Efiled Amds
Pilpel, David	4/1/2014	Sunshine Annual (12/31/2014)	Member	Sunshine Ordinance Task Force	View PDF		
Pilpel, David	12/30/2013	Certificate of Training (12/30/2013)	Member	Sunshine Ordinance Task Force	View PDF		
Pilpel, David	4/2/2013	Annual (06/07/2012 to 12/31/2012)	Member	Sunshine Ordinance Task Force	View PDF		
Pilpel, David	4/2/2013	Sunshine Annual (12/31/2013)	Member	Sunshine Ordinance Task Force	View PDF		
Pilpel, David	7/6/2012	Assuming Office (06/07/2011 to 06/06/2012)	Member	Sunshine Ordinance Task Force	View PDF		
Pilpel, David	7/6/2012	Sunshine Assuming (12/31/2012)	Member	Sunshine Ordinance Task Force	View PDF		

[Contact SFGov](#) - [Accessibility](#) - [Policies](#)

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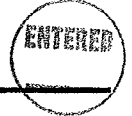
ENCLOSURE 5

STATEMENT OF ECONOMIC INTERESTS

Date Received
Official Use Only

COVER PAGE

FILED
13 APR -2 PM 4:47



Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)
Pilpel David

SAN FRANCISCO
ETHICS COMMISSION

1. Office, Agency, or Court

Agency Name
Sunshine Ordinance Task Force
Division, Board, Department, District, if applicable
Your Position
Member

► If filing for multiple positions, list below or on an attachment.

Agency: _____ Position: _____

2. Jurisdiction of Office (Check at least one box)

- State
- Multi-County _____
- City of _____
- Judge or Court Commissioner (Statewide Jurisdiction)
- County of San Francisco
- Other _____

3. Type of Statement (Check at least one box)

- Annual: The period covered is January 1, 2012, through December 31, 2012.
-or- The period covered is 06 / 07 / 2012, through December 31, 2012.
- Assuming Office: Date assumed _____
- Candidate: Election year _____ and office sought, if different than Part 1: _____
- Leaving Office: Date Left ____/____/_____
(Check one)
- The period covered is January 1, 2012, through the date of leaving office.
- The period covered is ____/____/_____, through the date of leaving office.

4. Schedule Summary

Check applicable schedules or "None."

► Total number of pages including this cover page: 1

- Schedule A-1 - Investments - schedule attached
- Schedule A-2 - Investments - schedule attached
- Schedule B - Real Property - schedule attached
- Schedule C - Income, Loans, & Business Positions - schedule attached
- Schedule D - Income - Gifts - schedule attached
- Schedule E - Income - Gifts - Travel Payments - schedule attached
- or-
- None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
 (Business or Agency Address Recommended - Public Document)
 _____ San Francisco CA 941161730

DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS (OPTIONAL)

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 04/02/2013
(month, day, year)

Signature _____
(File the originally signed statement with your filing official.)