

1 JOHN ST. CROIX
2 Executive Director
3 SAN FRANCISCO ETHICS COMMISSION
4 25 Van Ness Avenue, Suite 220
5 San Francisco, CA 94102
6 415-252-3100

7 Complainant

BEFORE THE SAN FRANCISCO
ETHICS COMMISSION

8 In the Matter of) Ethics Complaint No. 17-071220

9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

LORRIE KALOS,
Respondent.

**STIPULATION, DECISION
AND ORDER**

THE PARTIES STIPULATE AS FOLLOWS:

1. This Stipulation, Decision, and Order (“Stipulation”) is made and entered into by and between Lorrie Kalos and the San Francisco Ethics Commission (“the Commission”).

2. Respondent and the Commission find it in their best mutual interest and advantage to settle and resolve all factual and legal issues in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine Respondent’s liability. The Commission makes no finding of, and Respondent does not admit to, any wrongdoing.

3. Respondent agrees to pay a settlement in the amount of five hundred dollars (\$500.00) to resolve this matter involving the use of her San Francisco Fire Department Uniform for political purposes.

1 4. Within ten (10) business days after the Commission approves this Stipulation,
2 Respondent shall deliver five hundred dollars (\$500.00) to the Commission. This settlement
3 amount shall be paid by check or money order made payable to “The City and County of San
4 Francisco.” The check or money order shall be delivered to the following address:

5 San Francisco Ethics Commission
6 Attn: Enforcement Division
7 25 Van Ness Avenue, Suite 220
8 San Francisco, CA 94102

9 5. Respondent understands, and hereby knowingly and voluntarily waives, any and all
10 procedural rights under Section C3.699-13 of the San Francisco Charter and the Commission’s
11 Regulations for Investigations and Enforcement Proceedings with respect to this matter. This
12 includes, but is not limited to, the right to appear personally at any administrative hearing held in
13 this matter, to be represented by an attorney at Respondent’s expense, to confront and cross-
14 examine all witnesses testifying at the hearing and to subpoena witnesses to testify at the hearing.

15 6. Respondent understands and acknowledges that this Stipulation is not binding on
16 any other law enforcement agency, and does not preclude the Commission or its staff from
17 cooperating with or assisting any other government agency with regard to the complaint, or any
18 other matter related to it.

19 7. This Stipulation is subject to approval by the Commission. In the event the
20 Commission declines to approve this Stipulation, it shall become null and void.

21 8. In the event the Commission rejects this Stipulation and a full evidentiary hearing
22 before the Commission becomes necessary, the parties agree that no member of the Commission
23 shall be disqualified because of his or her prior consideration of this Stipulation.

24 9. This Stipulation, along with the attached Exhibit A, reflects the entire agreement
25 between the parties hereto and supersedes any and all prior negotiations, understandings, and

1 agreements with respect to the transactions contemplated herein. This Stipulation may not be
2 amended orally. Any amendment or modification to this Stipulation must be in writing duly
3 executed by all parties.

4 10. This Stipulation shall be construed under, and interpreted in accordance with, the
5 laws of the State of California. If any provision of this Stipulation is found to be unenforceable, the
6 remaining provisions shall remain valid and enforceable.

7 11. For the reasons set forth in Exhibit A, the parties agree that five hundred dollars
8 (\$500.00) is an appropriate settlement amount to resolve this matter.

9 12. The parties hereto may sign different copies of this Stipulation, which will be
10 deemed to have the same effect as though all parties had signed the same document.
11

12
13 Dated: _____

14 JOHN ST. CROIX, Executive Director
15 San Francisco Ethics Commission, Complainant
16

17 Dated: _____

18 LORRIE KALOS, Respondent
19
20
21
22
23
24
25

DECISION AND ORDER

The foregoing Stipulation of the parties “In the Matter of Lorrie Kalos, San Francisco Ethics Commission Complaint Number 17-071220,” including the attached exhibit, is hereby accepted as the final decision and order of the San Francisco Ethics Commission, effective upon execution below by the Chairperson.

IT IS SO ORDERED.

Dated: _____

SUSAN HARRIMAN, Chairperson
San Francisco Ethics Commission

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT A
Factual Background

1. Respondent ran for a seat on the Millbrae City Council in the November 2007 election. Respondent's campaign was unsuccessful.

2. On Respondent's campaign website, the page titled "Experience" included a photograph of herself wearing her San Francisco Fire Department uniform in which the hat and lapels were visible. Respondent's fire department badge was not visible, but the page contained accompanying text that identified Respondent as the Assistant Deputy Fire Chief of the San Francisco Fire Department. The text included the statements: "In 1989, I began my career as a San Francisco [sic] Firefighter" and "[t]en years ago I was promoted to Assistant Deputy Fire Chief. In my role I am responsible for the oversight of an approximately \$20 million annual budget . . ."

3. The website contained an additional page titled "Family" which included a second photograph of her wearing her fire department uniform without any identifying text. Respondent's uniform was visible from the waist up and her badge was also visible.

4. As of February 5, 2008, the website was still available to view at www.votekalosgunn.com, and both photographs of Respondent wearing her San Francisco Fire Department uniform were still posted.

Count I – Participating in Political Activities While in Uniform

Applicable Law

5. San Francisco Campaign and Governmental Conduct Code section 3.230, subdivision (b), states that "[n]o City officer or employee shall participate in political activities of any kind while in uniform."

1 11. Respondent has no prior enforcement history with the Commission.

2 12. Respondent did not wear her uniform at any campaign related event.

3 13. Respondent was demoted within the San Francisco Fire Department which resulted
4 in an annual salary loss of approximately forty-two thousand dollars (\$42,000).

5 14. Respondent was suspended within the San Francisco Fire Department for ten (10)
6 calendar days which resulted in a loss of compensation of four thousand three hundred thirty-seven
7 dollars (\$4337).

8 **Factors in Aggravation**

9 15. There are no factors in aggravation.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25