

1 JOHN ST. CROIX  
2 Executive Director  
3 SAN FRANCISCO ETHICS COMMISSION  
4 25 Van Ness Avenue, Suite 220  
5 San Francisco, CA 94102-6053  
6 415-252-3100

7 Complainant

8 BEFORE THE SAN FRANCISCO  
9 ETHICS COMMISSION

10 In the Matter of ) Complaint Nos. 09-071019 &  
11 ) 14- 071113  
12 DAVID WONG FOR SHERIFF )  
13 COMMITTEE, )  
14 (ID 1299118); AND ) **STIPULATION, DECISION**  
15 ) **AND ORDER**  
16 DAVID WONG, TREASURER )  
17 Respondents. )

18 THE PARTIES STIPULATE AS FOLLOWS:

19 1. This Stipulation, Decision and Order (“Stipulation”) is made and entered into by and  
20 between the David Wong for Sheriff Committee (Identification Number 1299118) and David Wong  
21 (collectively “Respondents”) and the San Francisco Ethics Commission (“the Commission”).

22 2. Respondents and the Commission agree to settle and resolve all factual and legal  
23 issues in this matter and to reach a final disposition without an administrative hearing.

24 3. Respondents agree to pay a settlement in the amount of one thousand five hundred  
25 dollars (\$1,500.00) for violations of California Government Code section 84200 *et seq.*, as  
incorporated into local law via San Francisco Campaign & Governmental Conduct Code section  
1.106, and San Francisco Campaign & Governmental Conduct Code section 1.114.



1 dispute, or object to the participation of any member of the Commission because of his or her prior  
2 consideration of this Stipulation.

3 9. This Stipulation, along with the attached Exhibit A, reflects the entire agreement  
4 between the parties hereto and supersedes any and all prior negotiations, understandings, and  
5 agreements with respect to the transactions contemplated herein. This Stipulation may not be  
6 amended orally. Any amendment or modification to this Stipulation must be in writing duly  
7 executed by all parties and approved by the Commission at a regular or special meeting.

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

11 11. For the reasons set forth in Exhibit A, the parties agree that one thousand five  
12 hundred dollars (\$1,500) is an appropriate settlement for Respondents' violations of California  
13 Government Code section 84200 et seq. and San Francisco Campaign & Governmental Code  
14 section 1.114.

15 12. The parties hereto may sign different copies of this Stipulation, which will be  
16 deemed to have the same effect as though all parties had signed the same document.  
17

18  
19 Dated: \_\_\_\_\_

20 JOHN ST. CROIX, Executive Director  
21 San Francisco Ethics Commission, Complainant  
22

23 Dated: \_\_\_\_\_

24 DAVID WONG, Candidate,  
25 David Wong for Sheriff

**DECISION AND ORDER**

1  
2 The foregoing Stipulation of the parties in the matter of “the David Wong for Sheriff  
3 Committee (Identification Number 1299118) and David Wong, Treasurer, San Francisco Ethics  
4 Commission Complaint Numbers 09-071019 and 14-071113,” including the attached exhibit, is  
5 hereby accepted as the final decision and order of the San Francisco Ethics Commission, effective  
6 upon execution below by the Chairperson.

7  
8 **IT IS SO ORDERED.**

9  
10  
11 Dated: \_\_\_\_\_

12  
13 SUSAN HARRIMAN, Chairperson  
14 San Francisco Ethics Commission

**EXHIBIT A**  
**Applicable Law**

1  
2           1.       Committees active in San Francisco elections must file campaign disclosure reports  
3 with the Ethics Commission to provide detailed information about contributions received and  
4 expenditures made by those committees. San Francisco Campaign & Governmental Conduct Code  
5 (“S.F. C&GCC”) § 1.106; Cal. Gov. Code § 84200 *et seq.*

6  
7           2.       No person shall make, and no candidate campaign treasurer shall solicit or accept,  
8 any contribution which will cause the total amount contributed by such person to such candidate in  
9 an election to exceed \$500. S.F. C&GCC § 1.114(a)(1).

10           3.       No committee may deposit any contribution that causes the total amount contributed  
11 by a person to the committee to equal or exceed \$100 unless the committee has the following  
12 information: the contributor’s full name; the contributor’s street address; the contributor’s  
13 occupation; and the name of the contributor’s employer or, if the contributor is self-employed, the  
14 name of the contributor’s business. S.F. C&GCC § 1.114(e); Cal. Gov. Code § 84211(f).

15           4.       In addition to any other penalty, each committee that receives a contribution which  
16 exceeds the limits imposed by section 1.114 or which does not comply with the requirements of  
17 section 1.114 shall pay promptly the amount received or deposited in excess of the amount to the  
18 City and County of San Francisco and deliver the payment to the Commission; provided that the  
19 Commission may provide for the waiver or reduction of the forfeiture. S.F. C&GCC § 1.114(f).

20           5.       Candidates and treasurers are responsible for complying with the above reporting  
21 requirements and may be held jointly and severally liable for violations by their committees.  
22 S.F. C&GCC §§ 1.106, 1.170(g); Cal. Gov. Code § 91006.

23           6.       Any person who intentionally or negligently violates these laws is liable in an  
24 administrative proceeding before the Commission for penalties in an amount of up to five thousand  
25

1 dollars (\$5,000) for each violation or three times the amount not reported or the amount received in  
2 excess of the amount allowable pursuant to Section 1.114, whichever is greater. S.F. C&GCC §  
3 1.170(c).

4 **Count I - Failure to Disclose Contributor Information**

5 7. On June 14, 2007, David Wong filed his candidate intention statement (Form 501) to  
6 run for Sheriff of the City and County of San Francisco in the November 2007 election.

7 8. On June 14, 2007, the David Wong for Sheriff Committee ("Committee") also filed  
8 its statement of organization (Form 410).

9 9. On August 30, 2007, the Committee filed an amended statement of organization  
10 (Form 410) naming a new treasurer, Angela McClure. Ms. McClure had never previously been a  
11 campaign treasurer. Ms. McClure filed two pre-election statements on behalf of the Committee.

12 10. On September 27, 2007, the Committee filed its first pre-election statement, which  
13 described the Committee's activity through September 22, 2007. The first pre-election statement  
14 omitted contributor information for ten (10) contributions, including places of employment and  
15 addresses. The total amount of affected contributions was \$2,025, and the amount subject to  
16 forfeiture was \$1,025.

17 11. On October 26, 2007, the Committee filed its second pre-election statement, which  
18 described the Committee's activity between September 23, 2007 and October 20, 2007. The second  
19 pre-election statement omitted contributor information for five (5) contributions, including places of  
20 employment and addresses. The total amount of affected contributions was \$1,150, and the amount  
21 subject to forfeiture was \$650.05.

22 12. Staff subsequently notified the Committee of the missing contributor information  
23 and requested that the Committee file amended reports. On November 14, 2007, Ms. McClure filed  
24  
25

1 amended pre-election statements on behalf of the Committee that provided the missing contributor  
2 information.

3 13. On January 31, 2008, the Committee filed its semi-annual statement, describing the  
4 Committee's activity between October 21, 2007 and December 31, 2007. This semi-annual  
5 statement omitted contributor information for two (2) contributions, including business names. The  
6 total amount of affected contributions received was \$200, and the amount subject to forfeiture was  
7 \$0.02. The Committee has since filed amended reports for all pre-election and semi-annual periods  
8 and provided all missing contributor information.

9 14. As these reports violated S.F. C&GCC section 1.114(e), under S.F. C&GCC section  
10 1.114(f), the total amount of contributions subject to forfeiture due to missing contributor  
11 information is \$1,675.07.

12  
13 **Count II – Failure to Abide by Contribution Limits**

14 15. The Committee accepted a total of one thousand dollars (\$1,000) from one  
15 contributor.

16 16. By accepting the one thousand dollar contribution, Respondents violated San  
17 Francisco C&GCC section 1.114(a)(1). Under S.F. C&GCC section 1.114(f), the amount subject to  
18 forfeiture from this contribution is \$500.

19 **Count III – Failure to Disclose Expenditures**

20 17. The Committee failed to report three expenditures totaling \$7,500 made in  
21 connection with two television commercials made for Mr. Wong's campaign.

22 18. By failing to report these expenditures on its October 26, 2007 pre-election  
23 statement, which should have included this activity, the Committee violated S.F. C&GCC section  
24 1.106 and California Government Code section 84211.  
25

19. The Committee has filed an amended report properly reporting these expenditures.

**Count IV – Failure to Report Contributions**

20. After staff alerted Mr. Wong of its investigation, Mr. Wong had a professional treasurer conduct a complete audit of the Committee's reports and file amendments to his campaign reports disclosing contributions which the Committee's previous treasurer failed to report properly.

21. The most significant amendment was made to the Committee's second semi-annual statement covering the period between October 21, 2007 and December 31, 2007.

22. In its initial filing for this period, due and filed on January 31, 2008, the Committee reported receiving \$1,828 in contributions. When filing the semi-annual report, the Committee informed staff that some information was missing and that an amendment would be required.

23. The Committee filed an amended report on May 16, 2008 after completion of the audit. As reflected in the May 16 amendment, the Committee had failed to report timely \$9,682 in contributions for this period, violating S.F. C&GCC section 1.106 and California Government Code section 84211.

**Factors in Mitigation**

24. The Committee undertook a complete audit of its activities to correct the misreporting and assure its reporting had no further omissions. The Committee amended its statements as soon as the audit was completed.

25. Respondents have been cooperative in all phases of the investigation.

26. The Committee's treasurer during the campaign was not a professional treasurer and had never previously acted as a treasurer to any campaign.

