

Los Angeles City Charter
ARTICLE VII – CITY ETHICS COMMISSION

SEC. 706 INVESTIGATIONS AND ENFORCEMENT PROCEEDINGS.

The commission shall conduct investigations of alleged violations of state law, the Charter and City ordinances relating to campaign financing, lobbying and conflicts of interest and governmental ethics.

Any person who violates any provision of the Charter or of a City ordinance relating to campaign financing, lobbying, conflicts of interest or governmental ethics, or who causes any other person to violate any provision, or who aids and abets any other person in a violation, shall be liable under the provisions of this Article.

(a) Investigations.

- (1) If the commission, upon the sworn complaint of any person or on its own initiative, first determines that there is sufficient cause to conduct an investigation, it shall investigate alleged violations of state law, the Charter or City ordinances relating to campaign financing, lobbying, conflicts of interest and governmental ethics. The commission shall not be required to investigate a complaint filed with it unless the complaint identifies the specific alleged violation which forms the basis for the complaint and contains sufficient facts to warrant an investigation.
- (2) The investigation shall be conducted in a confidential manner. Records of any investigation shall be considered confidential information pursuant to Section 18362 of Title 2 of the California Code of Regulations, as amended, or any successor provision. Any member or employee of the commission or other person who, prior to a determination by the Executive Director whether or not to proceed with an administrative or other enforcement action, discloses information about any preliminary investigation, except as necessary to conduct the investigation, shall be liable pursuant to this Article. The unauthorized release of confidential information shall be sufficient grounds for the termination of the employee or removal of the commissioner responsible for the release. The termination of clerical employees only shall be subject to applicable civil service provisions.

- (3) The commission and any special prosecutor may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the commission's duties or exercise of its powers.
- (b) **Findings of Probable Cause; Administrative Enforcement.** If the Executive Director of the commission determines that there is probable cause to believe that a provision of the Charter or City ordinances relating to campaign financing, lobbying, conflicts of interest or governmental ethics has been violated, the Executive Director shall cause an administrative enforcement accusation to be issued and served. No finding of probable cause shall be made by the commission unless, at least 21 days prior to the commission's consideration of the alleged violation, the person alleged to have committed the violation is notified of the alleged violation by service of process or registered mail with return receipt requested, is provided with a summary of the evidence, and is informed of his or her right to be present in person and represented by counsel at any proceeding held for the purpose of considering whether probable cause exists for believing the person committed the violation. Notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or, if the registered mail receipt is not signed, the date returned by the post office. A proceeding held for the purpose of considering probable cause shall be private unless the alleged violator files with the commission a written request that the proceeding be public.
- (c) **Administrative Hearings, Orders and Penalties.** After an accusation is issued and served, the commission shall cause a public evidentiary hearing to be held to determine if a violation has occurred. When the commission determines on the basis of substantial evidence presented at the hearing that a violation has occurred, it shall issue an order which may require the violator to:
 - (1) cease and desist the violation;
 - (2) file any reports, statements or other documents or information required by law; and/or
 - (3) pay a monetary penalty to the General Fund of the City of up to five thousand dollars (\$5,000) for each violation or three times the amount which the person failed to report properly or unlawfully contributed, expended, gave or received,

whichever is greater. When the commission determines that no violation has occurred, it shall publish a declaration so stating.

- (d) **Referrals Between Agencies.** Regardless of whether the Executive Director makes a formal determination concerning probable cause, he or she may refer the matter to another appropriate agency for purposes of enforcement.