

Enforcement — Governmental Ethics

Los Angeles Municipal Code Chapter IV, Article 9.5

Added by Ordinance No. 165618, effective 4/21/90.

SEC. 49.5.19 Enforcement

Amended by Ordinance No. 170538, effective 7/13/95.

Amended by Ordinance No. 175877, effective 5/5/04.

A. Criminal Enforcement.

1. Any person who knowingly or willfully violates any provision of this article is guilty of a misdemeanor. Any person who knowingly or willfully causes any other person to violate any provision of this article, or who aids and abets any other person in the violation of any provision of this article, shall be liable under the provisions of this section.
2. Prosecution of violation of any provision of the article shall be commenced within four years after the date of the violation.
3. No person convicted of a misdemeanor under this article shall act as a lobbyist or as a City contractor for a period of four years following the date of the conviction unless the court at the time of sentencing specifically determines that this provision shall not be applicable.
4. For the purposes of this section, a plea of nolo contendere shall be deemed a conviction.

B. Civil Actions.

1. Any person who intentionally or negligently violates any provision of this article shall be liable in a civil action brought by the City Attorney, the City Ethics Commission or by any person residing within the City for an amount not more than \$5,000 per violation, or for more than three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received, whichever is greater.
2. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

3. Any person, other than the City Attorney, before filing a civil action pursuant to this subsection, shall first file with the City Ethics Commission a written request for the Commission to commence the action. The request shall contain a statement of the grounds for believing a cause of action exists. The Commission shall respond within 40 days after receipt of the request indicating whether it intends to file a civil action. If the Commission indicates in the affirmative and files an action within forty days thereafter, no other action may be brought unless the action brought by the Commission is dismissed without prejudice.
 4. In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, a private plaintiff shall receive fifty percent (50%) of the amount recovered. The remaining fifty percent shall be deposited into the City's General Fund. In an action brought by the City Attorney or the Commission, the entire amount shall be paid to the General Fund.
 5. No action alleging a violation of this article may be filed more than four years after the date the violation occurred.
- C. **Injunctive Relief.** Any person residing within the City of Los Angeles including the City Attorney, may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this article.
- D. **Costs of Litigation.** The court may award to a party, other than an agency, who prevails in any civil action authorized by this article, his or her costs of litigation, including reasonable attorneys' fees. If the costs or fees are awarded against the City, the payment of such award shall be the responsibility of the City.
- E. **Limitation of Actions.** No civil action alleging a violation of this article shall be filed more than four years after the date of the violation.
- F. **Discipline.** Any appointed officer or employee who violates any provision of this article shall be subject to administrative discipline by his or her appointing authority. Such discipline shall be administered in accordance with procedures, prescribed by law or established by City policy, applicable to the officer or employee.

G. Enforcement of Community Redevelopment Agency and Housing Authority Ethics Regulations

1. In the event that the Community Redevelopment Agency of the City of Los Angeles and/or the Housing Authority of the City of Los Angeles adopt governmental ethics regulations governing the conduct of their officers and employees and former officers and employees, violations of those regulations shall be subject to the civil enforcement proceedings set forth in Subsections B through E of this section and to the administrative enforcement provisions of Charter Section 706.
2. The City Ethics Commission is authorized to conduct administrative enforcement investigations and proceedings and to impose administrative penalties and orders for violations of governmental ethics regulations adopted by the Community Redevelopment Agency of the City of Los Angeles and/or the Housing Authority of the City of Los Angeles. Those proceedings shall be governed by the City Ethics Commission's enforcement regulations contained in Section 24.1.2 of the Los Angeles Administrative Code, as amended.
3. Any officer or employee of the Community Redevelopment Agency or the Housing Authority who violates any provision of the governmental ethics regulations adopted by those agencies shall be subject to administrative discipline by his or her appointing authority. That discipline shall be administered in accordance with procedures, prescribed by law or established by agency policy, applicable to the officers or employees.