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February 21, 2017

VIA FACSIMILE AND REGULAR MAIL

President Jessica Levinson
and Commission Members
Los Angeles City Ethics Commission
Los Angeles City Hall
200 N Spring St # 2410,
Los Angeles, CA 90012

RE: Comments on Proposed Changes to Enforcement Regulations

Dear President Levinson and Commissioners:

I submit this comment letter to the Commission for its consideration of Item 7 on the February 21, 2017 agenda – *Updates to enforcement regulations*. Our firm has substantial experience representing individuals and entities in enforcement actions brought before this commission and other ethics commissions across the state. As a result, we understand firsthand how the city's enforcement procedures operate and how they can affect respondents and the public at large.

While we have substantive concerns regarding the Enforcement Division's recommendations, our chief impetus for submitting this comment is the lack of sufficient notice to stakeholders and the public in general about the proposed changes. The Commission's recommendations were not released to the public until the evening of Wednesday, February 15, 2017. This left interested parties seeking to provide comment with insufficient time to do so.

Because the changes recommended by the Commission have the potential to substantially affect the procedural rights of respondents in enforcement cases, they merit thoughtful deliberation and an opportunity for adequate public input. We request that the Commission reject Item 7 until the regulated community and the public have had sufficient opportunity to evaluate the proposed changes and provide deliberative comment.

While we have not had an opportunity to fully weigh the effects of the proposed changes, we have substantial concerns with the Commission's recommendation to toll the four-year statute of limitations during settlement negotiations. The city's statute of limitations exists to protect citizens from stale claims and to promote prosecutorial diligence. In our experience, it is not the negotiation process but rather the factual investigation that requires the most time and effort

on the part of enforcement agencies. Therefore, the mechanism for ensuring that the statute of limitations does not expire during settlement negotiations is for the city to more timely and actively pursue its factual investigation in enforcement cases.

For these reasons, we ask that the Commission delay adoption of its proposed amendments to enforcement procedures pending adequate time for public consideration. We also ask the Commission to reconsider its proposal to toll the limitations period during enforcement negotiations.

Please do not hesitate to contact me if we may be of any further assistance.

Very truly yours,

OLSON, HAGEL & FISHBURN, LLP

A handwritten signature in black ink, appearing to read "R. Rios", with a stylized flourish at the end.

RICHARD R. RIOS