

1 [Regulation of Permit Consultants, Commonly Known as Permit Expeditors]

2  
3 **Ordinance amending the San Francisco Campaign and Governmental Conduct Code by**  
4 **adding Article V, sections 5.100 to 5.135 to impose registration and disclosure**  
5 **requirements on permit consultants.**

6 Note: Additions are *single-underline italics Times New Roman*;  
7 deletions are *strikethrough italics Times New Roman*.  
8 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby  
11 amended by adding Article V, sections 5.100 through 5.135 to read as follows:

12 **Article V**

13 **Regulation of Permit Consultants, Commonly Known as Permit Expeditors**

14 **Sec. 5.100. FINDINGS.**

15 *(a) The Board of Supervisors finds that the people of the City and County of San Francisco are*  
16 *entitled to fair and equitable processes for the review and approval of permit applications by City and*  
17 *County departments.*

18 *(b) The people of the City and County of San Francisco have a right to expect that City and*  
19 *County departments will provide the same high level of service to all customers with properly filled-out*  
20 *and filed permit applications regardless of whether they hire permit ~~consultants~~ expeditors to*  
21 *facilitate approval of their permit applications.*

22 *(c) The Board of Supervisors finds that public disclosure of the identity and extent of efforts of*  
23 *permit ~~consultants~~ expeditors to obtain permits issued by City departments on behalf of clients is*  
24 *essential to protect public confidence in the responsiveness and integrity of government and will limit*  
25 *the ability of permit ~~consultants~~ expeditors to obtain or create the appearance of obtaining*

1 preferential treatment from City and County officers and employees during permit review and approval  
2 processes.

3 (d) It is the purpose and intent of the Board of Supervisors to impose reasonable registration  
4 and disclosure requirements on permit ~~consultants~~ ~~expeditors~~ that will protect the public's  
5 confidence in the integrity of the permitting processes of City and County departments.

6 **Sec. 5.105. DEFINITIONS.**

7 Whenever used in this Chapter, the following definitions shall apply:

8 (a) "City and County" means the City and County of San Francisco.

9 (b) "Client" means the person for whose benefit permit ~~consulting~~ ~~expediting~~ services are  
10 performed by a permit ~~consultant~~ ~~expediter~~.

11 (c) "Department" means any department of the City and County of San Francisco.

12 "Department" does not include any other local agency or any federal or state agency, including but not  
13 limited to the San Francisco School District, the San Francisco Community College District, the San  
14 Francisco Redevelopment Agency, the San Francisco Parking Authority, the San Francisco Health  
15 Authority, and the San Francisco Housing Authority.

16 (d) "Domestic partners" means persons who register their partnerships pursuant to the voter-  
17 approved Domestic Partnership Ordinance, San Francisco Administrative Code Chapter 62 or  
18 pursuant to California Family Code Sections 297 to 298.5.

19 (e) "Economic consideration" means any payments, fees, commissions, reimbursements for  
20 expenses, gifts, or anything else of value.

21 (f) "Licensed" means licensed by the State of California.

22 (g) "Permit" means any permit issued by a City and County of San Francisco department.

23 (h) "Permit ~~consultant~~ ~~expediter~~" means any person or entity that receives or is promised  
24 economic consideration equaling \$1,000 or more in a calendar year for permit ~~consulting~~ ~~expediting~~  
25 services. The term "permit ~~consultant~~ ~~expediter~~" does not include the permit applicant or the permit

1 applicant's spouse or domestic partner, the permit applicant's licensed contractor for the project, the  
2 permit applicant's licensed architect for the project, the permit applicant's registered engineer for the  
3 project, the permit applicant's lawyer if the lawyer provides only legal services, the permit applicant's  
4 employees if the employee(s) provide services in addition to permit ~~consulting~~ ~~expediting~~ services, or  
5 employees of a permit ~~consultant~~ ~~expediter~~, or any person or entity required under the San  
6 Francisco Lobbyist Ordinance, Article II of the Campaign and Governmental Conduct Code, to  
7 register and file disclosure forms with the Ethics Commission and who has in fact registered  
8 and filed disclosure forms under that Ordinance, which disclose any information required to be  
9 disclosed by this Article.

10 (i) "Permit ~~consulting~~ ~~expediting~~ services" means assisting a client obtain approval of a  
11 permit through any of the following means: providing information and advice to a client regarding the  
12 permit application process and procedure; preparing, completing, submitting or making changes to a  
13 permit application; paying permit application fees on behalf of a client; communicating with  
14 department officers or employees regarding the contents, procedure or status of a permit application;  
15 conveying the permit application through the requisite steps or stages of the permit process; picking up  
16 a permit from a department; requesting that a permit be denied for purposes of filing an appeal with  
17 the Appeals Board; and representing or assisting a client in an appeal to the Appeals Board from a  
18 denial of a permit application.

19 (j) "Registered" means registered by the State of California.

20 **Sec. 5.110. PROHIBITIONS.**

21 (a) REGISTRATION AND REPORTING. It shall be unlawful for any permit ~~consultant~~  
22 ~~expediter~~ to provide permit ~~consulting~~ ~~expediting~~ services without first registering with the Ethics  
23 Commission and complying with the reporting requirements specified in Section 5.115.

1           **(b) EVASION OF OBLIGATIONS.** *No permit consultant expediter shall attempt to evade the*  
2 *obligations imposed by this Chapter through indirect efforts or through the use of agents, associates or*  
3 *employees.*

4           **Sec. 5.115. REGISTRATION, REREGISTRATION, and FEES.**

5           **(a) REGISTRATION REPORTS.** *At the time of initial registration, each permit consultant*  
6 *expediter shall report to the Ethics Commission the following information:*

7           **(1) The name, business address, business phone number and email address of the permit**  
8 **consultant expediter;**

9           **(2) Former service or employment, if any, with the City and County, the department for which**  
10 **he or she served or was employed, and the period of service or employment;**

11           **(3) The names of any individuals employed by the permit consultant expediter to assist in**  
12 **providing permit consulting expediting services;**

13           **(4) The names of any former officers or employees of the City and County who are employed by**  
14 **the permit consultant expediter, the departments for which they served or were employed, and the**  
15 **period of service or employment;**

16           **(5) The name, address and telephone number of each client for whom the permit consultant expediter**  
17 **provided permit consulting expediting services during the preceding calendar year;**

18           **(6) A description of the type of permit(s) sought by each client; the department responsible for**  
19 **its issuance; the date the permit application(s) was filed and the date the permit(s) was issued;**

20           **(7) For each client, the total economic consideration promised by or received from the client in**  
21 **exchange for the provision of permit consulting expediting services during the preceding calendar**  
22 **year;**

23           **(8) Any other information required by the Ethics Commission consistent with the purposes and**  
24 **provisions of this Chapter.**

1           **(b) REREGISTRATION REPORTS.** *Each permit ~~consultant expediter~~ shall reregister*  
2 *annually no later than January 1st. Each reregistration report shall include all information required*  
3 *by Subsection (a).*

4           **(c) FEES.**

5           **(1) At the time of the initial registration and reregistration, each permit ~~consultant expediter~~**  
6 *shall pay to the Ethics Commission a fee of \$100.*

7           **(2) In addition, at the time of registration and reregistration, each permit ~~consultant~~**  
8 *~~expediter~~ shall pay a fee of \$50 for each client. When a client is acquired subsequent to initial*  
9 *registration or reregistration, the per client fee shall be paid at the time of filing the information*  
10 *required by Subsection (d). The Ethics Commission shall deposit fees collected pursuant to this Section*  
11 *in the General Fund of the City and County of San Francisco.*

12           **(d) PERMIT ~~CONSULTANT~~ ~~EXPEDITER~~ TERMINATION STATEMENTS.** *A permit*  
13 *~~consultant expediter~~ shall comply with all the requirements of this Chapter until the permit*  
14 *~~consultant expediter~~ ceases all activity as a permit ~~consultant expediter~~ and files a statement of*  
15 *termination with the Ethics Commission.*

16           **(e) ACCURACY AND COMPLETENESS.** *Each permit ~~consultant expediter~~ shall verify,*  
17 *under penalty of perjury, the accuracy and completeness of the information provided pursuant to this*  
18 *Section.*

19           **(f) RETENTION OF BOOKS, PAPERS AND DOCUMENTS.** *Each permit ~~consultant~~*  
20 *~~expediter~~ shall retain for a period of five years all books, papers and documents necessary to*  
21 *substantiate the reports and statements required under this Chapter.*

22           **Sec 5.120. POWERS AND DUTIES OF THE ETHICS COMMISSION.**

23           **(a) The Ethics Commission shall provide forms for the reporting of all information required by**  
24 *this Chapter.*

1           **(b) The Ethics Commission shall issue a registration number to each registered permit**  
2 **consultant expediter.**

3           **(c) At the time of initial registration and reregistration, the Ethics Commission shall provide**  
4 **the permit consultant expediter with a copy of the City's law regulating permit consultants**  
5 **expeditors and any related material the Commission determines will serve the purposes of this**  
6 **Chapter. Each permit consultant expediter must sign a statement acknowledging receipt of these**  
7 **materials.**

8           **(d) The Ethics Commission shall compile the information provided in registration and**  
9 **reregistration reports filed pursuant to this Chapter as soon as practicable and shall forward a report**  
10 **of the compiled information to the Board of Supervisors and the Mayor.**

11           **(e) The Ethics Commission shall preserve all original reports, statements, and other records**  
12 **required to be kept or filed under this Chapter for a period of five years. Such reports, statements, and**  
13 **reports shall constitute a part of the public records of the Ethics Commission and shall be open to**  
14 **public inspection.**

15           **(f) The Ethics Commission shall provide formal and informal advice regarding the duties under**  
16 **this Chapter of a person or entity pursuant to the procedures specified in San Francisco Charter**  
17 **Section C3.699-12.**

18           **(g) The Ethics Commission shall have the power to adopt all reasonable and necessary rules**  
19 **and regulations not inconsistent with the provisions of this Chapter for the implementation of this**  
20 **Chapter pursuant to the procedures specified in Chapter pursuant to the procedure specified in San**  
21 **Francisco Charter Section 15.102.**

22           **Sec. 5.125. ADMINISTRATIVE AND CIVIL ENFORCEMENT, AND PENALTIES.**

23           **(a) If any permit consultant expediter files an original statement or report after any deadline**  
24 **imposed by this Chapter, the Ethics Commission shall, in addition to any other penalties or remedies**  
25 **established in this Chapter, fine the permit consultant expediter \$50 per day after the deadline until**

1 the statement or report is received by the Ethics Commission. The Ethics Commission may reduce or  
2 waive a fine if the Commission determines that the late filing was not willful and that enforcement will  
3 not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under  
4 this Section in the General Fund of the City and County of San Francisco.

5 (b) Any person who believes that Section 5.110 has been violated may file a complaint with the  
6 Ethics Commission. Upon receipt of a complaint, or upon its own initiative, the Ethics Commission  
7 may investigate allegations of a violation of Section 5.110 and enforce the provisions of Section 5.110  
8 pursuant to the procedures established in San Francisco Charter Section C3.699-13, and the  
9 Commission's rules and regulations adopted pursuant to San Francisco Charter Section 15.102.  
10 The Commission may cancel for up to one year the registration of any permit ~~consultant~~ ~~expediter~~  
11 who has violated Section 5.110. A permit ~~consultant~~ ~~expediter~~ whose registration has been canceled  
12 pursuant to this Section may not provide permit ~~consulting~~ ~~expediting~~ services for the period that the  
13 registration is canceled. When the period of cancellation ends, the permit ~~consultant~~ ~~expediter~~ may  
14 reregister pursuant to Section 5.115(a) and (c).

15 (c) Any person or entity which violates Section 5.110 may be liable in a civil action brought by  
16 the City Attorney for an amount up to \$1,000 per violation.

17 (d) No administrative or civil action shall be maintained to enforce Section 5.110 unless  
18 brought within four years after the date the cause of action accrued or the date that the facts  
19 constituting the cause of action were discovered by the Ethics Commission or City Attorney, whichever  
20 is later.

21 (e) In investigating any alleged violation of Section 5.110, the Ethics Commission and City  
22 Attorney shall have the power to inspect, upon reasonable notice, all documents required to be  
23 maintained under Section 5.115. This power to inspect documents is in addition to other powers  
24 conferred on the Ethics Commission and City Attorney by the Charter, or by ordinance, including the  
25 power of subpoena.

1           **Sec. 5.130. ELECTRONIC FILING OF STATEMENTS AND REPORTS.**

2           (a) ELECTRONIC FILING REQUIRED. Whenever a permit consultant expeditors are is  
3 required by this Chapter to file an original statement or report, the Ethics Commission may require a  
4 permit consultant expediter to file an electronic copy of the statement or report. The electronic copy  
5 shall be due no later than the deadline imposed by this Chapter for filing the original statement or  
6 report.

7           **(b) POWERS AND DUTIES OF THE ETHICS COMMISSION**

8           (i) Pursuant to San Francisco Charter Section 15.102, the Ethics Commission shall adopt  
9 regulations specifying the electronic filing requirements applicable to permit consultants expeditors.  
10 The Ethics Commission shall adopt these regulations no fewer than 120 days before the electronic  
11 filing requirements are effective.

12           (ii) The Ethics Commission shall prescribe the format for electronic copies of statements and  
13 reports no fewer than 90 days before the statements and reports are due to be filed.

14           (c) PENALTIES. If any permit consultant expediter files an electronic copy of a statement or  
15 report after the deadline imposed by this Section, the Ethics Commission shall, in addition to any other  
16 penalties or remedies established in this Chapter, fine the permit consultant expediter \$50 per day  
17 after the deadline until the electronic copy is received by the Ethics Commission. The Ethics  
18 Commission may reduce or waive a fine if the Commission determines that the late filing was not  
19 willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall  
20 deposit funds collected under this section in the General Fund of the City and County of San Francisco.

21           **Sec. 5.135. SEVERABILITY**

22           If any provision of this Article is held invalid or unconstitutional, such invalidity or  
23 unconstitutionality shall not affect other provisions or applications which can be given effect without  
24 the invalidated provision, and to this end the provisions of this Article are severable.



1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA, City Attorney

3

4 By: \_\_\_\_\_  
5 Chad A. Jacobs  
6 Deputy City Attorney

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25