

October 1, 2022

Fair Political Practices Commission
1102 Q Street, Suite 3000
Sacramento, CA 95811

City & County of San Francisco Ethics Commission
25 Van Ness Ave, Suite 220
San Francisco, CA 94102

Filed using Electronic Complaint Systems, and to Complaint@fppc.ca.gov,
ethics.commission@sfgov.org.

Re: Complaint Against:

San Franciscans for Public Safety Supporting the Recall of Chesa Boudin (FPPC
Filer ID 1437859)

Neighbors for a Better San Francisco

Ms. Brooke Jenkins, in her personal capacity.

It has come to the Complainant's attention – based on news articles, public campaign filings, and on information and belief – that the proponent of June recall against San Francisco District Attorney Chesa Boudin, San Franciscans for Public Safety Supporting the Recall of Chesa Boudin (Filer ID 1437859), and Neighbors for a Better San Francisco (Filer ID 1431167) appear to be in violation of multiple areas of the California Political Reform Act and the San Francisco Campaign and Governmental Conduct Code.

Ms. Brooke Jenkins also appears to be in violation of the San Francisco Campaign and Governmental Conduct Code.

While not individually respondents, Mary Jung and Jay Cheng are key figures in the matter and appear as principals for many of the entities involved, as described below. Given the circumstances, there is reason to believe that Mary Jung – the Government Affairs and Community Relations Director of the San Francisco Association of Realtors– and Jay Cheng (her Deputy) created a payment structure to avoid disclosure of amounts that were paid to Ms. Jenkins for her work on the June recall.

To the extent that evidence arises that these individuals engaged in this activity intentionally or for the purpose of avoiding public disclosure requirements, they should be personally held accountable as Respondents themselves.

Mary Jung is the Government Affairs and Community Relations Director of the San Francisco Association of Realtors.¹ Ms. Jung is also:

- The Chair and Treasurer of the proponent of the June recall against San Francisco District Attorney Chesa Boudin, San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, where Ms. Jenkins served as a “volunteer”;² and
- The Chief Executive Officer and a Board Member of Sister’s Circle Women Support Network, a nonprofit that paid Ms. Jenkins.³

Jay Cheng is the Government Affairs and Community Relations Deputy Director of the San Francisco Association of Realtors, *and directly reports to Ms. Jung*.⁴ Mr. Cheng is also:

- The Executive Director of Neighbors for a Better San Francisco, a 501(c)(3) that paid Ms. Jenkins; and
- The Executive Director of Neighbors for a Better San Francisco Advocacy, which contributed **\$4.7 million dollars** towards San Franciscans for Public Safety Supporting the Recall of Chesa Boudin.⁵

¹ San Francisco Association of Realtors, “Staff Directory”, at <https://www.sfrealtors.com/staff-directory> (last accessed October 1, 2022).

² The San Francisco Standard, “Tangled Web: How All 3 Nonprofits That Paid DA Brooke Jenkins Have Links to the Chesa Boudin Recall” (August 29, 2022) (“Jung, meanwhile, served as the treasurer and principal officer for the San Franciscans for Public Safety PAC. That group paid for the recall campaign, titled Safer SF Without Boudin, for which Jenkins served as a fundraiser, and which advertised her as a volunteer spokesperson.”) at <https://sfstandard.com/criminal-justice/tangled-web-how-all-3-nonprofits-that-paid-da-brooke-jenkins-have-links-to-the-chesa-boudin-recall/> (last accessed October 1, 2022).

³ The San Francisco Standard, “Tangled Web: How All 3 Nonprofits That Paid DA Brooke Jenkins Have Links to the Chesa Boudin Recall” (August 29, 2022) (“Jung is also registered as the chief executive officer of Sister’s Circle, again making her Jenkins’ boss on paper.”) at <https://sfstandard.com/criminal-justice/tangled-web-how-all-3-nonprofits-that-paid-da-brooke-jenkins-have-links-to-the-chesa-boudin-recall/> (last accessed October 1, 2022).

⁴ San Francisco Association of Realtors, “Staff Directory”, at <https://www.sfrealtors.com/staff-directory> (last accessed October 1, 2022).

⁵ The San Francisco Standard, “Tangled Web: How All 3 Nonprofits That Paid DA Brooke Jenkins Have Links to the Chesa Boudin Recall” (August 29, 2022) (“The PAC, run by close Jung associate and SF Realtors deputy director of government affairs Jay Cheng, passed the funds to yet another entity: San Franciscans for Public Safety Supporting the Recall of Chesa Boudin.”) at <https://sfstandard.com/criminal-justice/tangled-web-how-all-3-nonprofits-that-paid-da-brooke-jenkins-have-links-to-the-chesa-boudin-recall/> (last accessed October 1, 2022).

Neighbors for a Better San Francisco compensated the “volunteer” spokesperson of San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, Ms. Brooke Jenkins, the current San Francisco District Attorney. Ms. Jenkins disclosed these payments from Neighbors for a Better San Francisco on her financial disclosure statement – and these payments were made ***at the same time as she was “volunteering” with San Franciscans for Public Safety Supporting the Recall of Chesa Boudin.***

Separately, Ms. Jenkins was paid by GlobalSF and Sister’s Circle, two organizations that *coincidentally* also involve the co-chair of San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, Mary Jung. The connections between these entities have been widely reported in San Francisco:⁶

Jenkins began working as a consultant for the nonprofits after quitting her job as a San Francisco assistant district attorney, saying she was going to volunteer as a spokesperson for the recall campaign.

One of the nonprofits was registered at the same address, by the same person and with a nearly identical name as the committee behind the recall. And Jenkins had the same boss on paper for both her volunteer work on the campaign and paid work at another of the nonprofits: longtime local political strategist Mary Jung.

Being paid to “volunteer” is a clear in-kind contribution from the paying organization. This in-kind contribution from Neighbors for a Better San Francisco to San Franciscans for Public Safety Supporting the Recall of Chesa Boudin ***was not reported on any campaign finance reports.*** Neighbors for a Better San Francisco did not file any reports as a Multipurpose Organization, despite this amount appearing to be above \$50,000.

This is all despite the fact that, a related organization to Neighbors for a Better San Francisco ***run by the same individuals*** (Jay Cheng, Mary Jung’s Deputy at the San Francisco Association of Realtors) Neighbors for a Better San Francisco Advocacy, contributed ***\$4.7 million dollars*** towards San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, and filed Multipurpose Organization disclosures.⁷

⁶ The San Francisco Standard, “Tangled Web: How All 3 Nonprofits That Paid DA Brooke Jenkins Have Links to the Chesa Boudin Recall” (August 29, 2022), at <https://sfstandard.com/criminal-justice/tangled-web-how-all-3-nonprofits-that-paid-da-brooke-jenkins-have-links-to-the-chesa-boudin-recall/> (last accessed October 1, 2022).

⁷ Cal-Access, Neighbors for a Better San Francisco Advocacy (Filer ID 1431167), 2021-2022 Expenditures, at <https://cal-access.sos.ca.gov/Campaign/Committees/Detail.aspx?id=1431167&view=expenditures>; San Francisco Chronicle, “Chesa Boudin recall supporters raised \$7.2 million to oust the San Francisco D.A. These are the biggest donors” (June 6, 2022) (“Neighbors for a Better San Francisco Advocacy contributed a total of \$4.7 million to three pro-recall committees — more than the amount raised by the entire anti-recall effort”), at <https://www.sfchronicle.com/politics/article/Groups-wanting-Chesa-Boudin-recalled-raise-more-17221264.php> last accessed October 1, 2022).

While Ms. Jenkins has asserted that she “was a volunteer for the Boudin recall campaign — period,” that she “worked as a consultant for 501(c)(3) organizations only and in no way did compensation influence [her],” and that “the two were so separate,” it strains credulity to believe that her work for Neighbors for a Better San Francisco was in no way related to her work for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin – ***compounded by the fact that the work she claims she did for Neighbors for a Better San Francisco appears to have been used as a part of the recall effort.***⁸

At the very least, Neighbors for a Better San Francisco and/or Ms. Jenkins should be required to present timesheets and records to confirm whether her self-reported income matches the number of hours she worked at her stated hourly rate. To the extent that there is evidence that Ms. Jenkins’ work for GlobalSF and Sister’s Circle Women Support Network was also used to support the recall effort, these organizations should be subject to the same.

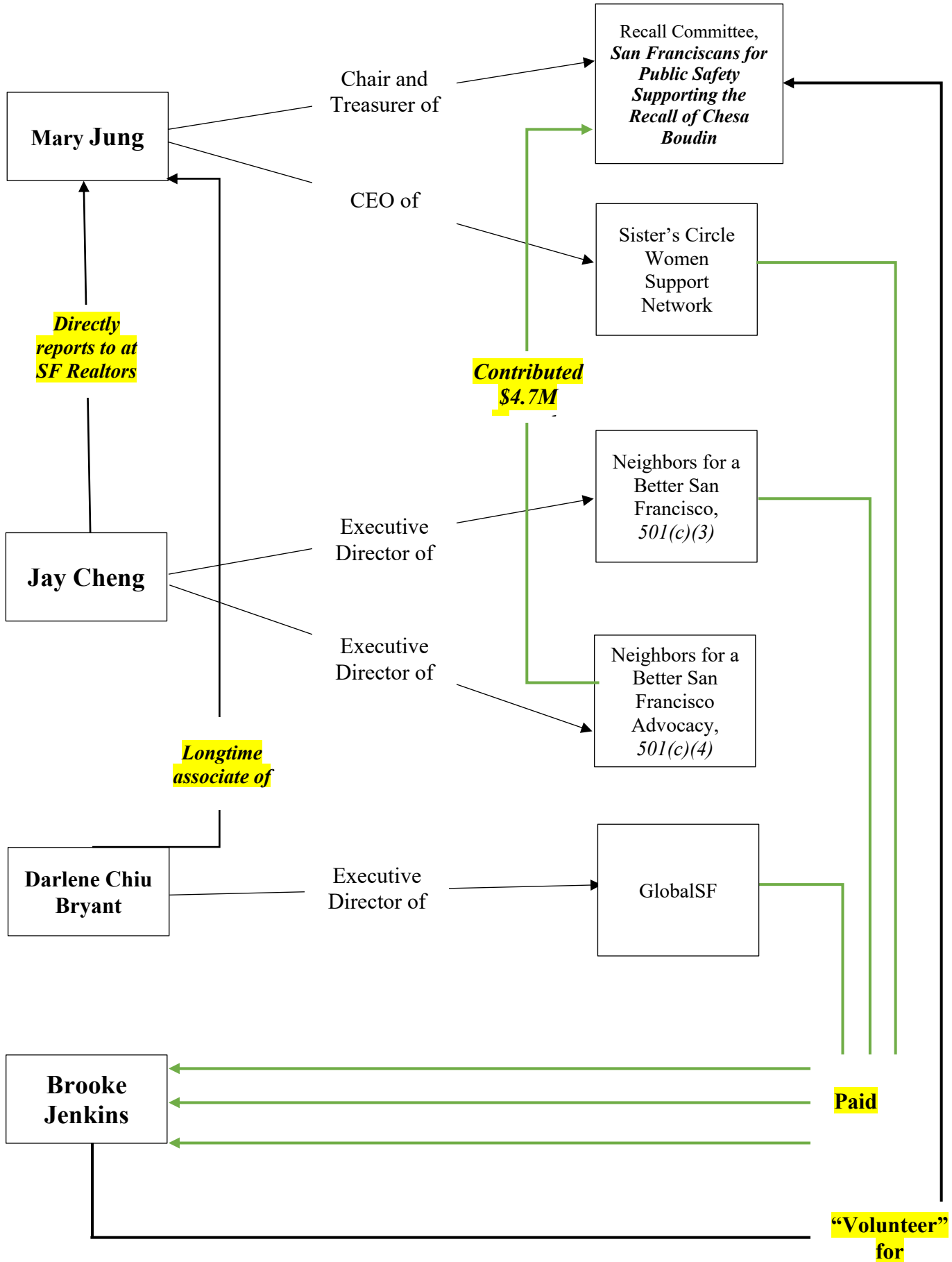
Separately, since Ms. Jenkins’ work for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin appears to have been compensated, she would have been required to register and report as a Campaign Consultant under the San Francisco Campaign and Governmental Conduct Code.

These appear to be clear violations of California’s and San Francisco’s campaign finance reporting requirements, and a breach of the public trust in governmental and electoral institutions that they seek to provide.⁹ Neighbors for a Better San Francisco should be required to register as a Multipurpose Organization and disclose its contributors according to the Political Reform Act.

These apparent violations are clearer when the tangled web of relationships is visualized, as on the following page:

⁸ San Francisco Chronicle, “Brooke Jenkins’ \$100K came to light with this document. Here’s what else it shows” (August 11, 2022) at <https://www.sfchronicle.com/projects/2022/brooke-jenkins-payment/>; “Bay Briefing: D.A. Jenkins defends paid work for S.F. nonprofit tied to Boudin recall” (August 16, 2022), at <https://www.sfchronicle.com/bayarea/article/Bay-Briefing-D-A-Jenkins-defends-paid-work-for-17375815.php>, citing “Exclusive: Brooke Jenkins defends work with nonprofit tied to campaign to recall Chesa Boudin” at <https://www.sfchronicle.com/bayarea/article/Exclusive-Brooke-Jenkins-defends-work-with-17374817.php> (last accessed October 1, 2022); see also public communications cited *infra* footnotes 21, 22, 23, 24..

⁹ See Cal. Govt. Code §§ 81002; San Francisco Campaign and Governmental Conduct Code § 1.100.



The Complainant files this nonsworn complaint with the FPPC under 2 Cal. Code of Regs § 18360(a)(1) and with the San Francisco Ethics Commission under San Francisco Campaign and Governmental Conduct Code §§ 1.168(a) and 1.525(b) alleging that the following appear to have violated the following provisions of the Political Reform Act and the San Francisco Campaign and Governmental Conduct Code:

- I. **Neighbors for a Better San Francisco** appears to have violated Cal. Govt. Code § 84222 by failing to register and report as a Multipurpose Organization. As its reports would have been filed with the San Francisco Ethics Commission, the organization also appears to have violated San Francisco Campaign and Governmental Conduct Code § 1.109 for retention of records, and § 1.135 for failure to file pre-election statements.

- II. **San Franciscans for Public Safety Supporting the Recall of Chesa Boudin** appears to have violated Cal. Govt. Code § 84211(f)(5) for failure to report the in-kind contribution from Neighbors for a Better San Francisco.¹⁰ As its reports were filed with the San Francisco Ethics Commission, the committee also appears to have violated San Francisco Campaign and Governmental Conduct Code § 1.114.5(a)(1) for failure to report the in-kind.

- III. **Ms. Brooke Jenkins** appears to have violated San Francisco Campaign and Governmental Conduct Code § 1.510 for serving as a Campaign Consultant without registering, and San Francisco Campaign and Governmental Conduct Code § 1.515 for failure to register and report.

Since many of the same individuals overlap between the two respondents – specifically Mary Jung, Jay Cheng, Steven Lucas, and Patricia Mar – San Franciscans for Public Safety Supporting the Recall of Chesa Boudin either knew or should have known that Neighbors for a Better San Francisco was compensating Ms. Jenkins.

¹⁰ Additional evidence exists that San Franciscans for Public Safety Supporting the Recall of Chesa Boudin may have violated the Paid Spokesperson disclosure requirements under Cal. Govt. Code § 84511; 2 CCR § 18450.11, however, there is not enough information on the public record to include in this Complaint. To the extent that either the FPPC or the San Francisco Ethics Commission uncover additional evidence, they should consider this potential violation as well.

See SFist, “Breed to Name Brooke Jenkins, Face of the Recall Ads, as Boudin’s Replacement In DA’s Office” (July 7, 2022) (“You may recognize Brooke Jenkins’ face from the recall TV ads and mailers (one of which is seen below). Because she was in the recall ads that mostly featured recall staffers. . .”), at <https://sfist.com/2022/07/07/reports-breed-will-name-face-of-the-recall-ads-brooke-jenkins-as-boudins-replacement-as-da/> (last accessed October 1, 2022).

Given what appear to be flagrant violations of the Political Reform Act and the San Francisco Campaign and Governmental Conduct Code, the FPPC should punish the Respondents to the fullest extent of the law.¹¹

To the extent that intentional violations are discovered, ***including against individuals involved***, the FPPC should refer these Respondents to the Attorney General – and the San Francisco Ethics Commission to the proper enforcement authority – for potential criminal enforcement.

A. Factual Overview

1. Respondents include:

- a. **San Franciscans for Public Safety Supporting the Recall of Chesa Boudin** (Filer ID 1437859) is a Primarily Formed Ballot Measure Committee filing with the City and County of San Francisco, whose Treasurer is Mary Jung. Its Assistant Treasurer is Patricia Mar.
- b. **Neighbors for a Better San Francisco** is a 501(c)(3) charitable organization located at 2350 Kerner Blvd., Suite 250, San Rafael, CA 94901.¹²
- c. **Ms. Brooke Jenkins** is the San Francisco District Attorney, and former Spokesperson for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, and former paid consultant to Neighbors for a Better San Francisco. She is a respondent in her personal capacity only.

2. In her capacity as District Attorney of the City and County of San Francisco, Ms. Jenkins filed a financial disclosure report on August 8, 2022, for interests between July 2021 and July 2022.¹³

¹¹ Cal. Govt. Code § 91000 et seq. (describing the enforcement procedures for Title 9 of the Cal. Govt. Code); San Francisco Campaign and Governmental Conduct Code §§ 1.164(d), (g); 1.170; 1.525 (campaign consultants).

¹² Internal Revenue Service, Neighbors for a Better San Francisco, at <https://apps.irs.gov/app/eos/detailsPage?ein=822339545&name=NEIGHBORS%20FOR%20A%20BETTER%20SAN%20FRANCISCO&city=&state=&countryAbbr=US&dba=&type=DETERMINATIONLETTERS&orgTags=DETERMINATIONLETTERS> (last accessed October 1, 2022).

¹³ See Brooke Jenkins, Form 700 Statement of Economic Interests, at <https://drive.google.com/file/d/1MkJdmtATp9g-WZb2RX6J68uMDiiNaYI9/view> (last accessed October 1, 2022).

3. On that financial disclosure, she disclosed salary as a consultant to “Neighbors for a Better San Francisco 501c3”.¹⁴

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
Neighbors for a Better San Francisco 501c3

ADDRESS (Business Address Acceptable)
San Rafael, CA 94901

BUSINESS ACTIVITY, IF ANY, OF SOURCE
501c3 non-profit organization

YOUR BUSINESS POSITION
Consultant

GROSS INCOME RECEIVED No Income - Business Position Only
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)

4. Ms. Jenkins also disclosed income from two other 501(c)(3) organizations – “GlobalSF” and “Sister’s Circle Women Support Network”.¹⁵

¹⁴ Brooke Jenkins, Form 700 Statement of Economic Interests at 3, [at https://drive.google.com/file/d/1MkJdmtATp9g-WZb2RX6J68uMDiiNaYI9/view](https://drive.google.com/file/d/1MkJdmtATp9g-WZb2RX6J68uMDiiNaYI9/view); San Francisco Chronicle, “Brooke Jenkins’ \$100K came to light with this document. Here’s what else it shows” (August 11, 2022) [at https://www.sfchronicle.com/projects/2022/brooke-jenkins-payment/](https://www.sfchronicle.com/projects/2022/brooke-jenkins-payment/) (last accessed October 1, 2022).

¹⁵ Brooke Jenkins, Form 700 Statement of Economic Interests at 2-3, [at https://drive.google.com/file/d/1MkJdmtATp9g-WZb2RX6J68uMDiiNaYI9/view](https://drive.google.com/file/d/1MkJdmtATp9g-WZb2RX6J68uMDiiNaYI9/view); San Francisco Chronicle, “Brooke Jenkins’ \$100K came to light with this document. Here’s what else it shows” (August 11, 2022) [at https://www.sfchronicle.com/projects/2022/brooke-jenkins-payment/](https://www.sfchronicle.com/projects/2022/brooke-jenkins-payment/) (last accessed October 1, 2022).

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
GlobalSF

ADDRESS (Business Address Acceptable)
San Francisco, CA 94105

BUSINESS ACTIVITY, IF ANY, OF SOURCE
501c3 non-profit organization

YOUR BUSINESS POSITION
Consultant

GROSS INCOME RECEIVED No Income - Business Position Only
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 (For self-employed use Schedule A-2.)

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
Sister's Circle Women Support Network

ADDRESS (Business Address Acceptable)
San Francisco, CA 94117

BUSINESS ACTIVITY, IF ANY, OF SOURCE
501c3 non-profit organization

YOUR BUSINESS POSITION
Consultant

GROSS INCOME RECEIVED No Income - Business Position Only
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 (For self-employed use Schedule A-2.)

5. On information and belief, both of these 501(c)(3) organizations have ties to the recall committee's co-chair, Mary Jung. The Executive Director of GlobalSF, Darlene Chiu Bryant, "served on the Edwin M. Lee Democratic Club with Safer SF Without Boudin co-chair Mary Jung;" and Jung also serves as the Chief Executive Officer of, and is on the Board of Directors for, Sister's Circle Women Support Network.¹⁶

¹⁶ San Francisco Chronicle, "Brooke Jenkins' \$100K came to light with this document. Here's what else it shows" (August 11, 2022) at <https://www.sfchronicle.com/projects/2022/brooke-jenkins-payment/> (last accessed September 14, 2022); The San Francisco Standard, "Tangled Web: How All 3 Nonprofits That Paid DA Brooke Jenkins Have Links to the Chesa Boudin Recall" (August 29, 2022), at <https://sfstandard.com/criminal-justice/tangled-web-how-all-3-nonprofits-that-paid-da-brooke-jenkins-have-links-to-the-chesa-boudin-recall/>; California Secretary of State, Statement of Information for Sister's Circle Women Support Network, Inc. (filed May 27, 2022), Control ID BA20220284282 (last accessed October 1, 2022).

6. A spokesperson for Ms. Jenkins stated that “she took home about \$115,000 from all the nonprofits after taxes between December 2021 and this July” and she “earned the six-figure salary in the roughly six months before Mayor London Breed appointed her district attorney on July 8 [2022] . . .”¹⁷
7. Ms. Jenkins later clarified that the amount of compensation from Neighbors for a Better San Francisco was \$153,000.¹⁸
8. Ms. Jenkins has stated that her hourly rate was \$200, and she worked “25 to 30 hours per a week” on the Neighbors for a Better San Francisco contract, and that the contract included “analyzing Proposition 47, the 2014 ballot measure that lowered penalties for many property and drug crimes in California.”¹⁹
9. California Proposition 47, passed in 2014, made changes to California’s felony sentencing laws, by reclassifying “certain theft and drug possession offenses from felonies to misdemeanors,” specifically: shoplifting, forgery, insufficient funds, petty theft, receiving stolen property, petty theft with a prior, as well as offenses related to cannabis.²⁰

¹⁷ The San Francisco Standard, “DA Jenkins Pocketed Six Figures as Consultant for Nonprofit Linked to Boudin Recall Backers” (August 9, 2022), at <https://sfstandard.com/criminal-justice/da-jenkins-pocketed-six-figures-as-consultant-for-nonprofit-linked-to-boudin-recall-backers/> (last accessed October 1, 2022).

¹⁸ San Francisco Chronicle, “Bay Briefing: D.A. Jenkins defends paid work for S.F. nonprofit tied to Boudin recall” (August 16, 2022) (“In an interview with Chronicle reporters Monday, Jenkins said she was paid \$153,000 for her consulting work with the 501(c)(3) nonprofit Neighbors for a Better San Francisco. She said this work included analyzing the impact of Proposition 47, the 2014 ballot measure that lowered penalties for many property and drug crimes in California and ignited fierce debate.”), at <https://www.sfchronicle.com/bayarea/article/Bay-Briefing-D-A-Jenkins-defends-paid-work-for-17375815.php> (last accessed October 1, 2022).

¹⁹ San Francisco Chronicle, “Q&A with Brooke Jenkins: San Francisco D.A weighs in on the recall controversy and her new opponents” (August 16, 2022), at <https://www.sfchronicle.com/bayarea/article/Q-A-with-Brooke-Jenkins-San-Francisco-D-A-weighs-17378307.php> (last accessed October 1, 2022).

²⁰ California Courts, “Proposition 47: The Safe Neighborhoods and Schools Act”, at <https://www.courts.ca.gov/prop47.htm> (last accessed October 1, 2022).

10. In the time that Ms. Jenkins was working for Neighbors for a Better San Francisco on analyzing Proposition 47, the reclassified theft offenses in the Proposition appear to have played a major role in San Franciscans for Public Safety Supporting the Recall of Chesa Boudin’s effort to recall the District Attorney.²¹

The committee cited these topics numerous times in their recall effort, including prominently in their document, “The Campaign Against Chesa Boundin,”²² in articles linked on the “In the News” page of their website,²³ and in other public-facing communications in the media and on social media.²⁴

²¹ See, e.g. San Franciscans for Public Safety Supporting the Recall of Chesa Boudin website, (“As car break-ins, burglaries, and overdoses reach a crisis level in San Francisco, Boudin’s refusal to hold serial offenders and drug dealers accountable is putting more of us at risk. In his first year in office, burglaries spiked by 49%, and 84% of charged perpetrators were back on the streets within two days.”), at <https://www.saferswithoutboudin.com/> (last accessed October 1, 2022).

²² San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, “The Case Against Chesa Boudin” at 9-10 (discussing Boudin’s policies towards petty theft, one of the crimes affected by Proposition 47).

²³ San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, “In the News” (citing, e.g., Fox 26 News, “Bay Area crime spree raises questions about district attorney, prosecution of shoplifters” (Nov. 22, 2021) (“A 2014 referendum, Prop 47, raised the dollar amount for how much merchandise had to be stolen in order for shoplifting to be considered a felony. After Prop 47 passed, theft of commercial merchandise under \$950 became only a misdemeanor with a maximum penalty of six months in jail. Critics of the proposition argue the lack of consequences gives thieves an incentive to steal. **The same critics have also complained district attorney Boudin has turned a blind eye to prosecuting retail shoplifters**”), at <https://kmpn.com/news/local/bay-area-crime-sprees-raises-questions-about-district-attorney-prosecution-of-shoplifters-san-francisco-nordstrom>; San Francisco Examiner, “Data shows Chesa Boudin prosecutes fewer shoplifters than predecessor” (July 9, 2021) (“The numbers show the prosecution rate for shoplifting cases involving **a misdemeanor petty theft charge for a loss of \$950 or less** fell under Boudin”), at https://www.sfexaminer.com/archives/data-shows-chesa-boudin-prosecutes-fewer-shoplifters-than-predecessor/article_7dbc7d85-cde9-59d9-8f23-7b240ee6f26d.html; San Francisco Chronicle, “‘Out of control’: Organized crime drives S.F. shoplifting, closing 17 Walgreens in five years” (May 13, 2021) at <https://www.sfchronicle.com/local-politics/article/Out-of-control-Organized-crime-drives-S-F-16175755.php> (emphasis added, last accessed October 1, 2022)).

²⁴ See, e.g.,

- N.Y. Times, “They Wanted to Roll Back Tough-on-Crime Policies. Then Violent Crime Surged.” (Feb. 18, 2022) (“[Mary Jung, chair of the recall campaign,] cited several attacks against Asian immigrants **and incidents of shoplifting** as the sort of crimes that have rattled residents, regardless of political ideology”) at <https://www.nytimes.com/2022/02/18/us/politics/prosecutors-midterms-crime.html> (emphasis added);
- The San Francisco Experience, “Chesa Boudin Recall Campaign: the Closing Arguments. Talking with Brooke Jenkins” (May 26, 2022) at 8:47 (discussing data given from Jenkins to the host about drug dealer convictions in 2021 and how most fentanyl dealers were charged with misdemeanors) and 17:06 (discussing property crimes like shoplifting and breaking-and-entering and Boudin’s use of diversion programs, resulting in a 20% increase) at

11. On information and belief, the analysis of Proposition 47 that Ms. Jenkins conducted for Neighbors for a Better San Francisco appears to have been used by San Franciscans for Public Safety Supporting the Recall of Chesa Boudin.
12. Separately, Ms. Jenkins was receiving compensation from Neighbors for a Better San Francisco *at the same time* as she appeared as a spokesperson for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, the committee that supported the recall of former District Attorney Chesa Boudin.²⁵

<https://www.thesanfranciscoexperiencepodcast.com/chesa-boudin-recall-campaign-the-closing-arguments-talking-with-brooke-jenkins/>;

- The San Francisco Experience, “Chesa Boudin Recall Election: Talking with former Assistant District Attorney Brooke Jenkins” (Apr. 21, 2022) at 17:51 (discussing an increase of “quality of life crimes” leading to increases in more severe crimes and whether a lack of prosecution for lesser crimes has “emboldened” criminals to “attack residents in their homes”) at <https://www.thesanfranciscoexperiencepodcast.com/chesa-boudin-recall-election-talking-with-former-assistant-district-attorney-brooke-jenkins/>;
- The Successful Recall of Chesa Boudin (@safersfnoboudin) (Apr. 23, 2022) (“**Rising property crime** hurts our small businesses. This is what happens when Chesa Boudin refuses to hold offenders accountable. Vote YES on H to #RecallChesa”) at <https://twitter.com/safersfnoboudin/status/1517732877068238853>, (Mar. 16, 2022) (“Homicides, **car break-ins, burglaries, and property crimes** are at a crisis level in San Francisco”) at <https://twitter.com/safersfnoboudin/status/1504180457985875968>, (Mar. 2, 2022) (“A woman last year was charged w/ 120 counts of **petty theft**. She was charged + quickly released so she could steal again”) at <https://twitter.com/safersfnoboudin/status/1499224333582880771>, (Nov. 17, 2021) (discussing car burglaries) at <https://twitter.com/safersfnoboudin/status/1461193734108839943>, (Oct. 6, 2021) (discussing property crime rates) at <https://twitter.com/safersfnoboudin/status/1445949235938029580> (emphasis added, last accessed October 1, 2022).

²⁵ See, e.g.:

- The San Francisco Standard, “The Recall of Chesa Boudin: How the Pandemic Fed a National Attack on Progressive Prosecutors” (June 2, 2022) (“Brooke Jenkins, a spokesperson for the Boudin recall and a former prosecutor in the DA’s office. . .”), at <https://sfstandard.com/politics/the-recall-of-chesa-boudin-how-the-pandemic-fed-a-national-attack-on-progressive-prosecutors/>;
- San Francisco Chronicle:
 - “Who will replace S.F. District Attorney Chesa Boudin? Here’s who is on the short list” (July 5, 2022) (“Jenkins, a former homicide prosecutor under Boudin, is now perhaps the most prominent face of the recall campaign. . .”), at <https://www.sfchronicle.com/bayarea/article/chesa-boudin-recall-17166010.php>;

13. In her role as a spokesperson, “Jenkins was a key part of this effort, regularly appearing in advertisements and messaging campaigns and media statements.”²⁶ She has even been described as having “led” the Boudin recall.²⁷

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- “Chesa Boudin ousted as San Francisco district attorney in historic recall” (June 13, 2022) (“Brooke Jenkins, a former prosecutor who resigned from Boudin’s office and became a campaign spokesperson. . .”), at <https://www.sfchronicle.com/election/article/Chesa-Boudin-ousted-as-San-Francisco-District-17226641.php>;
 - “Chesa Boudin recall supporters raised \$7.2 million to oust the San Francisco D.A. These are the biggest donors” (June 6, 2022) (“The leaders and spokespeople of Safer SF Without Boudin, which bills itself as a Democratic-led campaign, include former homicide prosecutor Brooke Jenkins and former San Francisco Democratic Party Chair Mary Jung.”), at <https://www.sfchronicle.com/politics/article/Groups-wanting-Chesa-Boudin-recalled-raise-more-17221264.php>;
 - “Chesa Boudin’s recall is in the national spotlight. S.F. voters could decide much more than his fate” (June 5, 2022) (“Brooke Jenkins, a former homicide prosecutor under Boudin who quit to help lead the recall. . .”), at <https://www.sfchronicle.com/politics/article/sf-voters-chesa-boudin-17218751.php>;
 - “Chesa Boudin’s strategy to remain San Francisco district attorney: Run against the recall” (April 2, 2022) (“Recall leader Brooke Jenkins. . .”), at <https://www.sfchronicle.com/politics/joegarofoli/article/Chesa-Boudin-s-strategy-to-remain-San-Francisco-17052422.php>;
 - “Chesa Boudin’s office just released new data on the S.F. district attorney’s charging rates and case outcomes. Here’s what it shows” (March 4, 2022) (“Brooke Jenkins and Don Du Bain, both former prosecutors who left Boudin’s office during his administration and are now spokespeople for the Recall Boudin campaign. . .”), at <https://www.sfchronicle.com/crime/article/Chesa-Boudin-s-office-just-released-new-data-on-16973247.php> (last accessed October 1, 2022).

²⁶ San Francisco Chronicle, “Brooke Jenkins’ \$100K came to light with this document. Here’s what else it shows” (August 11, 2022) at <https://www.sfchronicle.com/projects/2022/brooke-jenkins-payment/> (last accessed October 1, 2022).

²⁷ The San Francisco Standard, “SF’s New DA: Brooke Jenkins, Ex-Prosecutor Who Led Chesa Boudin Recall, Named His Successor” (July 7, 2022), at <https://sfstandard.com/politics/sfs-new-da-brooke-jenkins-ex-prosecutor-who-led-chesa-boudin-recall-named-his-successor/>; San Francisco Chronicle, “Ex-S.F. D.A. Chesa Boudin is sending out fundraising emails, fueling speculation over whether he’ll run again” (“Jenkins, who quit Boudin’s office to lead the effort to unseat him, was at the center of her own controversy this week after financial disclosures revealed she raked in over \$100,000 during the time she worked as a self-titled volunteer for the recall campaign. The bulk of these funds came from a 501(c)(3) organization that has ties to — but is legally separate from — a group that bankrolled the recall.”), at <https://www.sfchronicle.com/bayarea/article/Ex-S-F-D-A-Chesa-Boudin-is-sending-out-17370621.php> (last accessed October 1, 2022).

14. On information and belief, Neighbors for a Better San Francisco paid Ms. Jenkins more than \$50,000 in her capacity as spokesperson for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, as:
- a. The amount paid by Neighbors for a Better San Francisco was \$153,000, *slightly less than the \$171,479.61 she was paid for her previous full-time job* at the San Francisco District Attorney’s office;²⁸
 - b. Ms. Jenkins’ work on Prop 47 for Neighbors for a Better San Francisco appears to have been used in the recall effort by San Franciscans for Public Safety Supporting the Recall of Chesa Boudin;²⁹
 - c. Ms. Jenkins engaged in significant work on behalf of San Franciscans for Public Safety Supporting the Recall of Chesa Boudin; and
 - d. Ms. Jenkins’ work for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin was between November 2021 and June 2022, eight months.
15. Separately, on information and belief, Ms. Jenkins was paid more than \$1,000 by Neighbors for a Better San Francisco in her capacity as spokesperson and “leader” for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin.
16. Neighbors for a Better San Francisco is a 501(c)(3) charitable organization that is related to Neighbors for a Better San Francisco Advocacy, a 501(c)(4) social welfare organization.³⁰

²⁸ See Transparent California, search for “brooke jenkins”, at <https://transparentcalifornia.com/salaries/search/?q=brooke+jenkins> (last accessed October 1, 2022).

²⁹ *Supra* footnotes 21, 22, 23, 24.

³⁰ Internal Revenue Service, Neighbors for a Better San Francisco, at <https://apps.irs.gov/app/eos/detailsPage?ein=822339545&name=NEIGHBORS%20FOR%20A%20BETTER%20SAN%20FRANCISCO&city=&state=&countryAbbr=US&dba=&type=DETERMINATIONLETTERS&orgTags=DETERMINATIONLETTERS>; Internal Revenue Service, Neighbors for a Better San Francisco Advocacy, at <https://apps.irs.gov/app/eos/detailsPage?ein=852432657&name=NEIGHBORS%20FOR%20A%20BETTER%20SAN%20FRANCISCO%20ADVOCACY&city=&state=&countryAbbr=US&dba=&type=DETERMINATIONLETTERS&orgTags=DETERMINATIONLETTERS> (last accessed October 1, 2022).

17. Neighbors for a Better San Francisco and Neighbors for a Better San Francisco Advocacy share the same address, as well as the same Chief Financial Officer and Secretary, Steven Lucas.³¹

18. Neighbors for a Better San Francisco Advocacy contributed at least \$4,741,000 towards the recall of former San Francisco District Attorney Chesa Boudin, in the form of direct contributions to San Franciscans for Public Safety Supporting the Recall of Chesa Boudin.³²

That is roughly two-thirds of the total money that San Franciscans for Public Safety Supporting the Recall of Chesa Boudin raised.³³

³¹ California Secretary of State, search for “Neighbors for a Better San Francisco”, Statement of Information for Neighbors for a Better San Francisco (filed May 20, 2021, Control ID LBA8203189); Statement of Incorporation for Neighbors for a Better San Francisco Advocacy (filed May 20, 2021, Control ID LBA24890926), at <https://bizfileonline.sos.ca.gov/search/business> (last accessed October 1, 2022).

³² Cal-Access, Neighbors for a Better San Francisco Advocacy (Filer ID 1431167), 2021-2022 Expenditures, at <https://cal-access.sos.ca.gov/Campaign/Committees/Detail.aspx?id=1431167&view=expenditures>; see also San Francisco Chronicle, “State investigating campaign finance complaint against Chesa Boudin recall campaign” (August 11, 2022), at <https://www.sfchronicle.com/bayarea/article/State-investigating-campaign-finance-complaint-17368563.php>; “Chesa Boudin recall supporters raised \$7.2 million to oust the San Francisco D.A. These are the biggest donors” (June 6, 2022) (showing that Neighbors for a Better San Francisco Advocacy contributed \$4,741,000), at <https://www.sfchronicle.com/politics/article/Groups-wanting-Chesa-Boudin-recalled-raise-more-17221264.php> (last accessed October 1, 2022).

³³ San Francisco Ethics Committee, Campaign Finance Dashboards – June 7, 2022, search for “San Franciscans for Public Safety Supporting the Recall of Chesa Boudin” (showing that the committee raised \$6,556,821); [San Francisco Chronicle](https://www.sfchronicle.com/politics/article/Groups-wanting-Chesa-Boudin-recalled-raise-more-17221264.php), “Chesa Boudin recall supporters raised \$7.2 million to oust the San Francisco D.A. These are the biggest donors” (June 6, 2022) (showing that San Franciscans for Public Safety Supporting the Recall of Chesa Boudin raised roughly \$6.5 million, or “[n]inety percent of the total pro-recall funds”), at <https://www.sfchronicle.com/politics/article/Groups-wanting-Chesa-Boudin-recalled-raise-more-17221264.php> (last accessed October 1, 2022).

B. Statement of Law

1. *FPPC and San Francisco Ethics Commission*

Neighbors for a Better San Francisco: Failure to Comply with Multipurpose Organization Reporting Requirement

Based on the information described above, it appears that Neighbors for a Better San Francisco has violated both state and local reporting requirements by failing to register and report as a Multipurpose Organization.

A “multipurpose organization” is “an organization described in Sections 501(c)(3) to 501(c)(10), inclusive, of the Internal Revenue Code and that is exempt from taxation under Section 501(a) of the Internal Revenue Code.”³⁴ A multipurpose organization must register and report as a “recipient committee” if the organization, in part “makes contributions or expenditures totaling more than fifty thousand dollars (\$50,000) in a period of 12 months or more than one hundred thousand dollars (\$100,000) in a period of four consecutive calendar years.”³⁵

On information and belief, Neighbors for a Better San Francisco made in-kind contributions to San Franciscans for Public Safety Supporting the Recall of Chesa Boudin for Ms. Jenkins’ work that exceeded the \$50,000 threshold for registration as a recipient committee. As a result, Neighbors for a Better San Francisco failed to file a Form 410 to register as a recipient committee.

As a registered Multipurpose Organization Recipient Committee, Neighbors for a Better San Francisco would have been primarily formed in San Francisco, as it does not appear as a contributor in any statewide campaigns or in any other localities. A “primarily formed committee” is one that “is formed or exists primarily to support or oppose . . . [a] single measure.”³⁶ A “measure” includes a “proposition . . . which is submitted or is intended to be submitted to a popular vote at an election by . . . recall procedure.”³⁷ The regulations further explain that a committee is primarily formed if:

1. [It] is created for or is involved in running the principal campaign for or against the candidate(s) or measures(s) as listed in Section 82047.5(a) through (d); or

³⁴ Cal. Gov. Code § 84222(a) (defining “multipurpose organization”).

³⁵ Cal. Gov. Code § 84222(b)(2)-(5).

³⁶ Cal. Gov. Code § 82047.5 (defining “primarily formed committee”); 2 Cal. Code of Regs. § 18247.5(a) (defining “primarily formed committee”).

³⁷ Cal. Gov. Code § 82043 (defining “measure”); San Fran. Camp. & Gov. Code § 1.104 (defining “measure”).

2. [Its] primary purpose and activities are to support or oppose candidate(s) or measure(s) as listed in Section 82047.5(a) through (d); or
3. [It] makes more than 70 percent of its total contributions and expenditures on all candidates and measures (not including administrative overhead) on those specific candidates(s) or measure(s) as listed in Section 82047.5(a) through (d), during [either the immediately preceding 24-month period, or the current two-year period between Jan. 1, 2021 and Dec. 31, 2022, whichever most accurately reflects its current and upcoming activities].³⁸

On information and belief, Neighbors for a Better San Francisco made no other contributions or expenditures related to any candidates or other ballot measures, whether statewide or in another locality. As a result, it was primarily formed to oppose the recall election on June 7, 2022 and should have registered and reported accordingly with the Fair Political Practices Commission and the San Francisco Ethics Commission.³⁹

Neighbors for a Better San Francisco and/or Ms. Jenkins should be required to present timesheets and records to confirm whether her self-reported income of roughly \$153,000 for the 501(c)(3) matches up to the number of hours she worked at a \$200/hour rate.

2. FPPC and San Francisco Ethics Commission

San Franciscans for Public Safety Supporting the Recall of Chesa Boudin: Failure to Disclose In-Kind Contributions

On information and belief, Neighbors for a Better San Francisco made an in-kind contribution to San Franciscans for Public Safety Supporting the Recall of Chesa Boudin. This contribution is nowhere to be found in the recall committee's public reports.⁴⁰

A committee must include the following contribution information on its campaign statements:

1. The total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received. . .
2. The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one

³⁸ 2 Cal. Code of Regs. § 18247.5(c), (d)(3).

³⁹ Fair Political Practices Commission, Form 410, at <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Forms/410.pdf> (last accessed October 1, 2022).

⁴⁰ See San Fran. Ethics Cmte., Campaign Statements – search “San Franciscans for Public Safety Supporting the Recall of Chesa Boudin” at <https://public.netfile.com/pub2/?aid=sfo> (last accessed October 1, 2022).

hundred dollars (\$100) or more.

3. The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than one hundred dollars (\$100).
4. The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.⁴¹

The term “contribution” includes “the payment of compensation by any person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration[; and [t]he transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.”⁴²

On information and belief, San Franciscans for Public Safety Supporting the Recall of Chesa Boudin accepted an in-kind contribution from Neighbors for a Better San Francisco in the form without payment of full and adequate consideration. Specifically, it would appear that the recall committee accepted Ms. Jenkins’ research services and her subsequent data related to Proposition 47 and used it to make a number of public communications in the recall effort.⁴³

These would represent in-kind contributions of personal services and a transfer of a thing of value, each without full and adequate consideration given by the recall committee. This contribution was not disclosed on any of the recall committee’s campaign finance reports, in violation of Cal. Gov. Code § 84211.

3. *San Francisco Ethics Commission*

Brooke Jenkins: Failure to Register under San Francisco Campaign Consultant Ordinance

Ms. Jenkins has also appeared to have failed to register and report as a campaign consultant under the San Francisco Campaign Consultant Ordinance, despite providing campaign consulting services to San Franciscans for Public Safety Supporting the Recall of Chesa Boudin.

A “campaign consultant” is “any person or entity that receives or is promised economic consideration equaling \$1,000 or more in a calendar year for campaign consulting services,” which are defined as “participating in campaign management or developing or participating in

⁴¹ Cal. Gov. Code § 84211.

⁴² Cal. Gov. Code § 82015(b) (defining “contribution”); see also 2 Cal. Code of Regs. 18215(a).

⁴³ *Supra* footnotes 21, 22, 23, 24..

the development of campaign strategy.”⁴⁴ “Campaign strategy” refers to “plans for the . . . recall of a candidate, or for the adoption or defeat of a measure, including but not limited to producing or authorizing the production of campaign literature and print and broadcast advertising, seeking endorsements of organizations or individuals, seeking financing, or advising on public policy positions.”⁴⁵

After reaching the \$1,000 threshold, the San Francisco Campaign Consultant Ordinance requires that campaign consultants file a registration report to disclose information about themselves, their employer, and any work done prior to registering.⁴⁶ After the initial registration report, campaign consultants must file quarterly reports that discloses similar types of information.⁴⁷

The Ordinance also clearly states that “[i]t shall be unlawful for any campaign consultant to provide campaign consulting services, or accept any economic consideration for the provision of campaign consulting services, without first registering with the Ethics Commission and complying with the reporting requirements.”⁴⁸

On information and belief, as described above, Ms. Jenkins provided campaign consulting services by researching relevant criminal justice data regarding Proposition 47 and giving that to San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, who then used that data in its public communications, as well as acting as the recall committee’s spokesperson.

All of this was done under the guise of “volunteering” for the recall while getting paid by Neighbors for a Better San Francisco, the 501(c)(3) arm of the recall committee’s largest donor. Ms. Jenkins certainly should have known that her work would be used to support the recall effort – especially given how involved she was *with the same individuals on that recall effort*. In this role, she assisted “with the production of campaign literature and print and broadcast advertising” and “advis[ed] on public policy positions.”⁴⁹

As a result, Ms. Jenkins appears to have failed to register and report under the San Francisco Campaign Consultant Ordinance, thus violating § 1.510.

⁴⁴ San Fran. Camp. & Gov. Code § 1.505(a)-(b) (defining “campaign consultant” and “campaign consulting services”).

⁴⁵ San Fran. Camp. & Gov. Code § 1.505 (d) (defining “campaign strategy”).

⁴⁶ San Fran. Camp. & Gov. Code § 1.515(a).

⁴⁷ San Fran. Camp. & Gov. Code § 1.515(e).

⁴⁸ San Fran. Camp. & Gov. Code § 1.510.

⁴⁹ See San Fran. Camp. & Gov. Code § 1.505 (d) (defining “campaign strategy”); see also public communications cited in *supra* footnotes 21, 22, 23, 24..

C. Potential Witnesses⁵⁰

The Complainant believes that the above-referenced individuals and committees (through their Treasurers) have actual knowledge of the potential violations that may have occurred:

1. **Brooke Jenkins**, San Francisco District Attorney, former Spokesperson for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin and consultant to Neighbors for a Better San Francisco; 393 7th Avenue, Suite 301, San Francisco, CA 94118.
2. **Neighbors for a Better San Francisco**; 2350 Kerner Blvd., Suite 250, San Rafael, CA 94901.
3. **Steven Lucas**, Chief Financial Officer and Secretary for Neighbors for a Better San Francisco and Neighbors for a Better San Francisco Advocacy; 2350 Kerner Blvd., Suite 250, San Rafael, CA 94901.
4. **San Franciscans for Public Safety Supporting the Recall of Chesa Boudin** (Filer ID 1437859); 393 7th Avenue, Suite 301, San Francisco, CA 94118.
5. **Mary Jung**, Chair and Treasurer for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin, and Chief Executive Officer and Board Member of the Sister's Circle Women Support Network, 393 7th Avenue, Suite 301, San Francisco, CA 94118.
6. **Jay Cheng**, Executive Director of Neighbors for a Better San Francisco and Neighbors for a Better San Francisco Advocacy; 2350 Kerner Blvd., Suite 250, San Rafael, CA 94901.
7. **San Francisco Association of Realtors**, employer of Mary Jung and Jay Cheng, 301 Grove Street San Francisco, CA 94102.
8. **Patricia Mar**, Assistant Treasurer for San Franciscans for Public Safety Supporting the Recall of Chesa Boudin; 393 7th Avenue, Suite 301, San Francisco, CA 94118.

⁵⁰ Address information collected and located from public IRS political committee records, the California Secretary of State business entity records, and Google search results.

9. **William E. Oberndorf**, Major Donor to San Franciscans for Public Safety
Supporting the Recall of Chesa Boudin; Oberndorf Enterprises, LLC, 615 Front St,
San Francisco, CA 94111.

10. **GlobalSF**; 160 Spear Street, 10th Floor, San Francisco, CA 94105.

11. **Darlene Chiu Bryant**, Executive Director of GlobalSF, 160 Spear Street, 10th Floor,
San Francisco, CA 94105.

12. **Sister's Circle Women Support Network**; 455 Bay Street, Unit 216, San Francisco,
CA 94133.