Written Comment for April Regular Meeting

Conner Edwards

1. **Missing Information from Agenda.**

On this month's agenda there is an item titled "Discussion and Possible Action Regarding Delegation of Authority to the Executive Director". There is no indication as to the type of authority the Commission is considering delegating.

The reason for why public comment periods exist is so that members of the public can provide input as to actions being contemplated by the agency.

By not providing any indication as to what is being discussed, the agency is effectively preventing the public from providing meaningful input.

While admittedly the proposal to delegate authority to the Executive Director could be harmless (impossible to know without more information), I would generally encourage the Commission to not delegate additional powers to the staff.

The purpose of the 5-member Commission is to exercise oversight over the agency's staff to ensure that the agency's mission is being effectively carried out.

In the last five years that I have watched the agency's monthly meetings, I have seen the practical role of the commissioners gradually reduced. The meetings have become shorter. The discussion at these meetings has become less substantive. The Commission approves nearly every staff recommendation without any critical analysis or deliberation.

I would encourage the Commission to reverse this trend and instead take a more hands-on approach to its oversight responsibility, even though doing so means that every meeting might not be adjourned by noon. In particular, the agency should exercise more oversight over the agency's enforcement practices; enforcement being the most important tool that an administrative agency can use to carry out its mission.

2. **Unresolved 12+ Month Enforcement Cases**

By my count there are currently 78 open cases that have been pending before the PDC for more than a year. Of those, 59 cases have been pending for more than 2 years. The oldest enforcement case has been pending for nearly three years.

From the information that is publicly available on the agency's website, there is no indication of what stage these investigations are at. While it is somewhat understandable that an agency may not always be able to resolve a case within one year, the agency ought to at least post a brief statement to the enforcement page for complaints that have been pending for longer than a year to let the public know where the investigation is at. Some of

these cases (such as the one against The Walt Disney Company and Meta) are of particularly significant public concern.

3. **Generally Slow Resolution of Complaints**

I acknowledge that the PDC staff do extremely difficult work in service to the public.

However, I wanted to write to express my confusion with respect to the slow speed of complaint adjudication.

As I understand it (and I could certainly be wrong) the agency's enforcement team consists of approximately 8 full-time employees.

At the enforcement portion of February Regular Meeting, staff reported that during a 21-day period the agency closed 38 cases. Of those cases, staff reported the following dispositions: "one closed with no evidence of a violation, five reminders, 22 warnings, four statements of understanding, four technical corrections, one case resolved under local law and one remediable complaint."

After crunching the numbers, it appears that during a 21-day period, each staff member closes an average of 4.75 cases.

This translates to each staff member closing an average of 1.6 cases during a 40-hour work week.

Over the years I have become very familiar with the agency's enforcement processes as a treasurer, complainant, and attorney for respondents. From what I know about the process, I simply cannot understand why it would take the agency so long to adjudicate complaints, especially when the vast majority of complaints are dismissed via warning letters and not adjudication.