

1 STACEY FULHORST, Executive Director  
City of San Diego Ethics Commission  
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5 Petitioner

6  
7 **BEFORE THE CITY OF SAN DIEGO**  
8 **ETHICS COMMISSION**

9  
10 In re the Matter of: ) Case No.: 2010-43  
11 )  
ADRIAN VAZQUEZ, ) **STIPULATION, DECISION, AND**  
12 ) **ORDER**  
Respondent. )  
13 )

14 **STIPULATION**

15 **THE PARTIES STIPULATE AS FOLLOWS:**

16 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics  
17 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,  
18 implement, and enforce local governmental ethics laws contained in the San Diego Municipal  
19 Code [SDMC] relating to, among other things, the provisions of the City's Election Campaign  
20 Control Ordinance [ECCO].

21 2. At all times mentioned herein, Adrian Vazquez was a candidate for City Council  
22 District 8 in the June 8, 2010, primary election. The Adrian Vazquez for City Council 2010  
23 committee [Committee] was a campaign committee registered with the State of California  
24 (Identification # 1327527) and established to support Mr. Vazquez's candidacy for Council  
25 District 8. At all relevant times herein, the Committee was controlled by Mr. Vazquez within the  
26 meaning of the California Political Reform Act, California Government Code section 82016.  
27 Mr. Vazquez is referred to herein as "Respondent."

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1           3. This Stipulation will be submitted for consideration by the Ethics Commission at its  
2 next scheduled meeting, and the agreements contained herein are contingent upon the approval  
3 of the Stipulation and the accompanying Decision and Order by the Ethics Commission.

4           4. This Stipulation resolves all factual and legal issues raised in this matter by the Ethics  
5 Commission without the necessity of holding an administrative hearing to determine  
6 Respondent's liability.

7           5. Respondent understands and knowingly and voluntarily waives any and all procedural  
8 rights under the SDMC, including, but not limited to, a determination of probable cause, the  
9 issuance and receipt of an administrative complaint, the right to appear personally in any  
10 administrative hearing held in this matter, the right to confront and cross-examine witnesses  
11 testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to  
12 have the Ethics Commission or an impartial hearing officer hear this matter. Respondent agrees  
13 to hold the City of San Diego harmless from any and all claims or damages resulting from the  
14 Commission's investigation or this stipulated agreement, or any matter reasonably related  
15 thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with  
16 the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a  
17 reference to each violation, and an order.

18           6. Respondent acknowledges that this Stipulation is not binding upon any other law  
19 enforcement or government agency and does not preclude the Ethics Commission from referring  
20 this matter to, cooperating with, or assisting any other law enforcement or government agency  
21 with regard to this or any other related matter.

22           7. The parties agree that in the event the Ethics Commission refuses to accept this  
23 Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics  
24 Commission rejects the Stipulation and a full evidentiary hearing before the Ethics Commission  
25 becomes necessary, no member of the Ethics Commission or its staff shall be disqualified  
26 because of prior consideration of this Stipulation.

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1 **Summary of Law and Facts**

2 8. Because the Committee was formed for the purpose of supporting a candidate in a  
3 City of San Diego election, Respondent is required to comply with the provisions of ECCO.

4 9. At SDMC section 27.2930, ECCO requires candidates and committees to file  
5 campaign statements in the time and manner required by California Government Code sections  
6 81000 *et seq.* In addition to the two pre-election filings required by local and state law, SDMC  
7 section 27.2930(e) requires City candidates to file a third pre-election campaign statement on the  
8 Friday before the election, covering the period from the last campaign statement through the  
9 Thursday before the election. Candidates in the June primary election were required to file a  
10 pre-election statement covering the period from May 23, 2010, through June 3, 2010, on or  
11 before June 4, 2010.

12 10. Respondent did not file a campaign statement covering the period from May 23,  
13 2010, through June 3, 2010, until August 23, 2010, eighty days late and after he was contacted  
14 by Ethics Commission staff. During this reporting period, the Committee received no  
15 contributions and made expenditures totaling \$160.00.

16 **Counts**

17 **Count 1 – Violation of SDMC section 27.2930**

18 11. Respondent failed to timely file a campaign statement covering the period from  
19 May 23, 2010, through June 3, 2010, in violation of SDMC 27.2930. Although this statement  
20 was due on June 4, 2010, Respondent did not file it until August 23, 2010, eighty days late.

21 **Factors in Aggravation**

22 12. The City Clerk sent Respondent letters regarding his filing responsibilities, both  
23 before and after the filing deadline. Despite these efforts by the City Clerk, Respondent failed to  
24 timely file a campaign statement covering the period from May 23, 2010, through June 3, 2010,  
25 until well after the June 8, 2010, primary election.

26 **Factors in Mitigation**

27 13. Respondent has fully cooperated with the Ethics Commission's investigation.

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1 **Conclusion**

2 14. Respondent agrees to take necessary and prudent precautions to comply with all  
3 provisions of the Election Campaign Control Ordinance in the future.

4 15. Respondent agrees to pay a fine in the total amount of \$600 for violating SDMC  
5 section 27.2930. This amount must be paid by check or money order made payable to the City  
6 Treasurer no later than October 21, 2010. Respondent acknowledges that if the fine is not timely  
7 paid in full, the Commission may refer the collection of the fine to the City Treasurer's  
8 Collection Division, which may pursue any or all available legal remedies to recover late  
9 penalties, interest, and costs, in addition to seeking the outstanding balance owed.

10  
11 DATED: \_\_\_\_\_ STACEY FULHORST, Executive Director  
12 ETHICS COMMISSION, Petitioner

13  
14 DATED: \_\_\_\_\_ ADRIAN VAZQUEZ, Respondent  
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17 **DECISION AND ORDER**

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19 The Ethics Commission considered the above Stipulation at its meeting on \_\_\_\_\_,  
20 2010. The Ethics Commission hereby approves the Stipulation and orders that, in accordance  
21 with the Stipulation, Respondent pay a fine in the amount of \$600.

22  
23 DATED: \_\_\_\_\_ LARRY WESTFALL, Chair  
24 SAN DIEGO ETHICS COMMISSION  
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