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Petitioner

**BEFORE THE CITY OF SAN DIEGO
ETHICS COMMISSION**

In re the Matter of:) Case Nos.: 2023-20
RAUL A. CAMPILLO,) **STIPULATION, DECISION, AND**
Respondent.) **ORDER**

STIPULATION

THE PARTIES STIPULATE:

1. Petitioner Sharon Spivak is the Executive Director of the City of San Diego Ethics Commission (Ethics Commission). The Ethics Commission is charged with administering, implementing, and enforcing local governmental ethics laws in the San Diego Municipal Code (SDMC), including the Election Campaign Control Ordinance (ECCO), SDMC sections 27.2901 to 27.2991.

2. At all times referenced in this Stipulation, Raul A. Campillo (the Councilmember) was a candidate for, or had been elected to, the District 7 seat on the San Diego City Council.

3. At all times referenced in this Stipulation, Raul Campillo for City Council District 7 2020 (Committee) was a campaign committee registered with the State of California (Identification No. 1415303) and established to support Campillo's candidacy in the 2020 election cycle. At all relevant times, the Councilmember controlled the

1 Committee within the meaning of the California Political Reform Act, California
2 Government Code section 82016. The Councilmember and Committee will collectively
3 be referred to herein as "Respondent."

4 4. This Stipulation will be submitted to the Ethics Commission for
5 consideration at its next meeting. The agreements in this Stipulation are contingent
6 upon the Ethics Commission's approval of the Stipulation and the accompanying
7 Decision and Order.

8 5. This Stipulation resolves all factual and legal issues raised in this matter
9 by the Ethics Commission without the need for an administrative hearing to determine
10 the Respondent's liability.

11 6. Respondent understands and knowingly and voluntarily waives any and all
12 procedural rights under the SDMC, including, but not limited to: a determination of
13 probable cause, the issuance and receipt of an administrative complaint, the right to
14 appear personally in any administrative hearing held in this matter, the right to confront
15 and cross-examine witnesses testifying at the hearing, the right to subpoena witnesses
16 to testify at the hearing, and the right to have the Ethics Commission or an impartial
17 hearing officer hear this matter.

18 7. Respondent agrees that the terms of this Stipulation constitute compliance
19 with the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation
20 of facts, a reference to each violation, and an order.

21 8. Respondent agrees to hold the City of San Diego and the Ethics
22 Commission harmless from all claims or damages resulting from the Commission's
23 investigation, this stipulated agreement, or any matter reasonably related to it.

24 9. Respondent acknowledges that this Stipulation is not binding upon any
25 other law enforcement or government agency and does not preclude the Ethics
26 Commission from cooperating with or assisting any other law enforcement or
27 government agency regarding this or any other related matter.
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- 1 C. A \$200 contribution made by Eduardo Luna on August 17, 2020;
- 2 D. A \$100 contribution made by Andy Kopp on September 19, 2020;
- 3 E. A \$600 contribution made by Masis Kevorkian on October 5, 2020;
- 4 and
- 5 F. A \$150 contribution made by Eric Hepfer on November 10, 2020.

6 16. California Government Code section 84303(a) requires all expenditures of
7 \$500 or more made on behalf of or for the benefit of a committee by an agent
8 (subvendor payments) to be reported as if they were made directly by the candidate or
9 committee.

10 17. Respondent failed to report seventeen subvendor payments totaling
11 \$35,000 that two Committee consultants made for campaign literature and digital
12 advertisements. The subvendor for the campaign literature for the purchase of stamps
13 was the United States Postal Service. The subvendor for the digital advertisements was
14 Facebook, Inc., for the purchase of advertising space.

15 **Counts**

16 **Count 1 – Violation of SDMC Section 27.2916**

17 18. Respondent violated SDMC section 27.2916 by simultaneously maintaining
18 and using two campaign checking accounts between December 5, 2019, and
19 November 10, 2020, as described in paragraph 13.

20 **Counts 2 and 3 – Violations of SDMC Section 27.2930**

21 19. Respondent violated SDMC section 27.2930 by failing to disclose and
22 itemize six contributions of \$100 or more received during a campaign statement period,
23 as described in paragraph 15.

24 20. Respondent violated SDMC section 27.2930 by failing to report seventeen
25 expenditures of \$500 or more by Committee agents, as described in paragraph 17.

26 **Factors in Mitigation**

- 27 21. Respondent fully cooperated with the Ethics Commission investigation.
- 28 22. The Councilmember, a first-time candidate for elective office in the City of

1 San Diego, hired and relied on a professional treasurer to timely file accurate and
2 complete campaign statements and disclosure schedules on behalf of the Committee.
3 The Councilmember himself identified the contributions listed in paragraph 15 during the
4 audit and notified the Ethics Commission of their omission from the Respondent's
5 campaign statements as prepared by the professional treasurer.

6 23. Respondent opened two campaign checking accounts instead of
7 maintaining a check register to track and segregate primary election versus general
8 election contributions. The investigation found no intent to conceal campaign activity.

9 **Factors in Aggravation**

10 24. On October 25, 2019, the Councilmember was informed by Ethics
11 Commission staff about subvendor disclosure requirements.

12 **Conclusion**

13 25. Respondent agrees to take necessary and prudent precautions to ensure
14 compliance with all provisions of ECCO in the future.

15 26. Respondent acknowledges that the Ethics Commission may impose
16 increased fines concerning any future violations of the City's campaign laws.

17 27. Respondent agrees to pay a fine in the amount of \$2,200 for three
18 violations of the SDMC. Respondent will provide the Ethics Commission with a \$2,200
19 check or money order payable to the City Treasurer on or before January 5, 2024. The
20 submitted payment will be held pending Ethics Commission approval of this Stipulation
21 and the execution of the Decision and Order portion set forth below.

22 [REDACTED]
23 DATED: _____

Sharon Spivak, Petitioner
SAN DIEGO ETHICS COMMISSION

25 [REDACTED]
26 DATED: _____

Raul A. Campillo, Controlling Officeholder
RAUL CAMPILLO FOR CITY COUNCIL DISTRICT 7
2020

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its January 11, 2024 meeting. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, the Respondent pay a fine of \$2,200.

DATED: _____ [REDACTED]
_____ Caridad Sanchez, Chair
SAN DIEGO ETHICS COMMISSION

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