

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.: 2013-07  
11 DWAYNE CRENSHAW, )  
12 Respondent. ) **STIPULATION, DECISION, AND**  
13 ) **ORDER**  
)

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, Dwayne Crenshaw was a candidate for City Council  
22 District 4 in the March 26, 2013, special election. The Crenshaw for City Council 2013  
23 committee (Identification No. 1354758) [Committee] is a campaign committee registered with  
24 the State of California established to support Mr. Crenshaw's candidacy for Council District 4.  
25 At all relevant times herein, the Committee was controlled by Mr. Crenshaw within the meaning  
26 of the California Political Reform Act, California Government Code section 82016. Mr.  
27 Crenshaw 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  
5 Ethics 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  
8 procedural rights under the SDMC, including, but not limited to, a determination of probable  
9 cause, the issuance and receipt of an administrative complaint, the right to appear personally in  
10 any 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. ECCO prohibits City candidates from directly or indirectly soliciting campaign  
5 contributions from persons they know to be City employees. SDMC §27.2946. In order to avoid  
6 violations of this law, candidates are advised to comb their e-mail lists and remove those that end  
7 with a domain name associated with the City of San Diego or any of its agencies (e.g.,  
8 sandiego.gov).

9 10. Respondent sent five campaign-related e-mails that included solicitations for  
10 campaign contributions to City employees at their sandiego.gov e-mail addresses, as follows:

- 11 • an e-mail dated February 3, 2013, was sent to approximately 40 recipients, including  
12 one Council staffer;
- 13 • an e-mail dated February 4, 2013, was sent to an unknown number of recipients,  
14 including one Council staffer;
- 15 • an e-mail dated February 5, 2013, was sent to approximately 75 recipients, including  
16 one Council staffer;
- 17 • an e-mail dated March 17, 2013, was sent to approximately 240 recipients, including  
18 one Councilmember and two Council staffers;
- 19 • an e-mail dated March 20, 2013, was sent to approximately 89 recipients, including  
20 two Councilmembers and five Council staffers.

21 **Counts**

22 **Count 1 - Violation of SDMC section 27.2946**

23 11. Respondent violated SDMC section 27.2946 when he sent five e-mails to City  
24 employees as described above in Paragraph 10 that included solicitations for campaign  
25 contributions.

26 **Factors in Mitigation**

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

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1 **Conclusion**

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

4 14. Respondents acknowledge that the Ethics Commission may impose increased fines  
5 in connection with any future violations of the City's campaign laws.

6 15. Respondent agrees to pay a fine in the amount of \$250 for violating SDMC section  
7 27.2946. This amount must be paid no later than May 15, 2013, by check or money order made  
8 payable to the City Treasurer. The submitted payment will be held pending Commission  
9 approval of this Stipulation and execution of the Decision and Order portion set forth below.

10 [REDACTED]

11 DATED: \_\_\_\_\_

\_\_\_\_\_  
STACEY FULHORST, Executive Director  
ETHICS COMMISSION, Petitioner

13 [REDACTED]

14 DATED: \_\_\_\_\_

\_\_\_\_\_  
DWAYNE CRENSHAW, Respondent

16 **DECISION AND ORDER**

17 The Ethics Commission considered the above Stipulation at its meeting on \_\_\_\_\_,  
18 2013. The Ethics Commission hereby approves the Stipulation and orders that, in accordance  
19 with the Stipulation, Respondent pay a fine in the amount of \$250.

20 [REDACTED]

21 DATED: \_\_\_\_\_

\_\_\_\_\_  
CLYDE FULLER, Chair  
SAN DIEGO ETHICS COMMISSION