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Petitioner

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

In re the Matter of: ) Case No.: 2020-38  
)  
YES ON MEASURE A – HOMES FOR SAN ) **STIPULATION, DECISION, AND**  
DIEGANS, SPONSORED BY A ) **ORDER**  
COALITION OF CIVIC NONPROFITS AND )  
HOUSING PROVIDERS; )  
)  
Respondent. )

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**STIPULATION**

**THE PARTIES STIPULATE:**

1. Petitioner Sharon B. Spivak is the Executive Director of the City of San Diego Ethics Commission (Ethics Commission). The Ethics Commission is charged with a duty to administer, implement, and enforce local governmental ethics laws contained in the San Diego Municipal Code (SDMC) relating to, among other things, the provisions of the Election Campaign Control Ordinance (ECCO), SDMC section 27.2901, *et seq.*

2. At all times mentioned herein, Yes on Measure A – Homes for San Diegans, Sponsored by a Coalition of Civic Nonprofits and Housing Providers was a committee primarily formed to support a city ballot measure on the ballot for the November 2020 general election. The committee was sponsored by the San Diego Housing Federation, Community Housing Works, and Affirmed Housing. The committee was registered with the State of California (Identification No. 1430859) and is referred to herein as “Respondent.”

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

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

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

17           6.       Respondent agrees to hold the City of San Diego and the Ethics Commission  
18 harmless from any and all claims or damages resulting from the Commission's investigation, this  
19 stipulated agreement, or any matter reasonably related thereto.

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

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

1 **Summary of Law and Facts**

2 9. ECCO defines “committee” as any person or combination of persons who, within a  
3 single calendar year, raises \$2,000 or more or makes expenditures of \$1,000 or more for the  
4 purpose of supporting or opposing a City candidate or ballot measure. SDMC § 27.2903.

5 10. In order to provide the public with readily-accessible information concerning the  
6 major sources of funding to committees formed to support and oppose City candidates and  
7 measures, ECCO requires such committees to include the text “Funding details at  
8 [www.sandiego.gov/donors](http://www.sandiego.gov/donors)” on or during its campaign advertisements. ECCO also requires that,  
9 within three business days of receiving \$10,000 (in the aggregate) or more from a single  
10 contributor, these committees send a notification email to the Ethics Commission with (1) the  
11 name and identification number of the committee; (2) the name of the contributor; and (3) if  
12 applicable, the contributor’s identification number. SDMC § 27.2975. This information is then  
13 posted on the Ethics Commission’s website so the public can access it via the website address  
14 provided on, or during, its campaign advertisements. A state law also requires a separate filing  
15 with the City Clerk that includes the information on a different City of San Diego website, within  
16 24 hours of receiving the contribution, if it is made within 90 days of the election.

17 11. Respondent failed to timely notify the Ethics Commission of six \$10,000+  
18 contributions totaling \$155,000 as follows:

19 A. On October 9, 2020, Century Housing Corporation contributed \$20,000 to  
20 Respondent. The deadline for notifying the Ethics Commission about the  
21 contribution was October 14, 2020. Respondent did not make the notification until  
22 November 2, 2020 (19 days late).

23 B. On October 15, 2020, Raymond James and Associates, Inc. contributed  
24 \$10,000 to Respondent. The deadline for notifying the Ethics Commission about the  
25 contribution was October 20, 2020. Respondent did not make the notification until  
26 November 2, 2020 (13 days late).

27 C. On October 16, 2020, Wakeland Housing and Development Co.  
28 contributed \$35,000 to Respondent. The deadline for notifying the Ethics

1 Commission about the contribution was October 21, 2020. Respondent did not  
2 make the notification until November 2, 2020 (12 days late).

3 D. On October 19, 2020, Boston Capital Corporate contributed \$25,000 to  
4 Respondent. The deadline for notifying the Ethics Commission about the  
5 contribution was October 22, 2020. Respondent did not make the notification until  
6 November 2, 2020 (11 days late).

7 E. On October 19, 2020, Mercy Housing Inc. contributed \$50,000 to  
8 Respondent. The deadline for notifying the Ethics Commission about the  
9 contribution was October 22, 2020. Respondent did not make the notification until  
10 November 2, 2020 (11 days late).

11 F. On October 20, 2020, Suffolk Construction Company, Inc, contributed  
12 \$15,000 to Respondent. The deadline for notifying the Ethics Commission about the  
13 contribution was October 23, 2020. Respondent did make the notification until  
14 November 2, 2020 (10 days late).

### 15 Counts

#### 16 **Counts 1 through 6 – Violations of SDMC section 27.2975**

17 12. Respondent violated SDMC section 27.2975 by failing to timely notify the Ethics  
18 Commission within three business days of receiving contributions made by six contributors  
19 totaling \$10,000 or more each, as described above in paragraphs 11(A) through 11(F).

### 20 Factors in Mitigation

21 13. Respondent fully cooperated with the Ethics Commission investigation.

22 14. Respondent notified the Ethics Commission of the six contributions before the  
23 November 3, 2020 election, and timely filed the separate forms required by state law disclosing  
24 the six contributions.

### 25 Conclusion

26 15. Respondent agrees to take necessary and prudent precautions to ensure compliance  
27 with all provisions of ECCO in the future.

