ETHICS COMMISSION RESOLUTION

FINAL DECISION OF THE CITY OF SAN DIEGO ETHICS COMMISSION IN THE MATTER OF LUIS ACLE, RESPONDENT; CASE NUMBER 2006-59

WHEREAS, the City of San Diego Ethics Commission [Commission] is charged with the duty to enforce local governmental ethics laws contained in the San Diego Municipal Code, including the City's Election Campaign Control Ordinance [ECCO]; and

WHEREAS, Petitioner Stacey Fulhorst [Petitioner] has presented charges against Respondent Luis Acle [Respondent] for violating ECCO in connection with Respondent's candidacy for the Eighth District City Council seat in the City of San Diego in the November 2005 special election and the January 2006 special run-off election; and

WHEREAS, at a public Administrative Hearing held on the 11th day of July, 2008, the Commission (composed of Commissioners Lee Biddle, Guillermo Cabrera, Clyde Fuller, Krishna Haney, Dorothy Leonard, Richard Valdez, and Larry Westfall) heard testimony and reviewed evidence relating to these charges, and thereafter deliberated with regard to each charge presented by Petitioner;

WHEREAS, the final decision of the Commission containing the findings of violations shall be expressed in writing in a separate Administrative Enforcement Order; NOW, THEREFORE,

BE IT RESOLVED, by the City of San Diego Ethics Commission that it makes the following findings with regard to whether or not Respondent violated ECCO:

Counts (First Amended Final Administrative Complaint)	**Yes**	**No**	**Vote**
FAILURE TO TIMELY PAY CAMPAIGN DEBTS; SDMC § 27.2960; 10 COUNTS			
(1) 11/08/05 Marketing Support Systems $2,500.00 Fine: $2,500.00	X X		7 – 0 6 – 1 (Nay: Haney)
(2) 11/26/05 Marketing Support Systems $1,342.00 Fine: $1,342.00	X X		7 – 0 6 – 1 (Nay: Haney)

Counts (First Amended Final Administrative Complaint)	Yes	No	Vote
(3) 12/15/05 Marketing Support Systems $5,000.00 Fine: $5,000.00	X X		7 – 0 6 – 1 (Nay: Haney)
(4) 12/26/05 Marketing Support Systems $2,500.00 Fine: $2,500.00	X X		6 – 1 (Nay: Valdez) 6 – 1 (Nay: Haney)
(5) 12/28/05 PAC Mgmt & Consulting $1,000.00 Fine: $1,000.00	X X		7 – 0 6 – 1 (Nay: Haney)
(6) 01/04/06 PAC Mgmt & Consulting $1,000.00 Fine: $1,000.00	X X		5 – 2 (Nay: Cabrera, Westfall) 6 – 1 (Nay: Haney)
(7) 01/10/06 Ann Kelsey $ 250.00 Fine: $250.00	X X		7 – 0 6 – 1 (Nay: Haney)
(8) 03/31/06 Rusanne Anthony $ 87.47 Fine: $87.47	X X		7 – 0 6 – 1 (Nay: Haney)
(9) 06/30/06 Rusanne Anthony $ 45.55 Fine: $45.55	X X		7 – 0 6 – 1 (Nay: Haney)
(10) 07/31/06 Rusanne Anthony $ 267.98 Fine: $267.98	X X		7 – 0 6 – 1 (Nay: Haney)
FAILURE TO DISCLOSE ACCRUED EXPENSES & CONTRIBUTIONS; SDMC § 27.2930; 25 COUNTS			
(11)-(12) Marketing Support Systems; November 8, 2005 invoice ($2,500.00): failure to disclose accrued expense on two campaign statements covering the periods ending on June 30, 2006, and December 31, 2006 (2 counts). Fine: $3,500 x 2 counts = $7,000	X X		7 – 0 5 – 2 (Nay: Biddle, Haney)
(13)-(14) Marketing Support Systems; December 15, 2005 invoice ($5,000.00): failure to disclose accrued expense on two campaign statements covering the periods ending on June 30, 2006, and December 31, 2006 (2 counts). Fine: $3,500 x 2 counts = $7,000	X X		7 – 0 5 – 2 (Nay: Biddle, Haney)

Counts (First Amended Final Administrative Complaint)	Yes	No	Vote
(15)-(17) Marketing Support Systems; December 26, 2005 debt ($2,500.00): failure to disclose accrued expense on three campaign statements covering the periods ending on June 30, 2006, December 31, 2006, and June 30, 2007 (3 counts).	X		6 – 1 (Nay: Valdez)
Fine: $1,000 x 3 counts = $3,000	X		5 – 2 (Nay: Biddle, Haney)
(18)-(20) PAC Management & Consulting, Inc.; December 28, 2005 invoice ($1,000.00): failure to disclose accrued expense on three campaign statements covering the periods ending on June 30, 2006, December 31, 2006, and June 30, 2007 (3 counts).	X		7 – 0
Fine: $3,500 x 3 counts = $10,500	X		5 – 2 (Nay: Biddle, Haney)
(21)-(23) PAC Management & Consulting, Inc.; January 4, 2006 debt ($1,000.00): failure to disclose accrued expense on three campaign statements covering the periods ending on June 30, 2006, December 31, 2006, and June 30, 2007 (3 counts).	X		5 – 2 (Nay: Cabrera, Westfall)
Fine: $1,000 x 3 counts = $3,000	X		5 – 2 (Nay: Biddle, Haney)
(24)-(26) Ann Kelsey; January 10, 2006 invoice ($250.00): failure to disclose accrued expense on three campaign statements covering the periods ending on June 30, 2006, December 31, 2006, and June 30, 2007 (3 counts).	X		7 – 0
Fine: $1,000 x 3 counts = $3,000	X		5 – 2 (Nay: Biddle, Haney)
(27)-(28) Rusanne Anthony; March 31, 2006, and June 30, 2006 invoices (total of $133.02): failure to disclose aggregated accrued expense on the campaign statement covering the period ending on June 30, 2006 (2 counts).	X		7 – 0
Fine: $1,000 x 2 counts = $2,000	X		5 – 2 (Nay: Biddle, Haney)
(29)-(32) Rusanne Anthony; March 31, 2006, June 30, 2006, July 31, 2006, and October 31, 2006 invoices (total of $467.50): failure to disclose aggregated accrued expense on the campaign statement covering the period ending on December 31, 2006 (4 counts).	X		7 – 0
Fine: $1,000 x 4 counts = $4,000	X		5 – 2 (Nay: Biddle, Haney)

Counts (First Amended Final Administrative Complaint)	Yes	No	Vote
(33) Failure to disclose January 5, 2006, contribution from Kenneth Williams in the amount of $250 (1 count).	X		7 – 0
Fine: $250	X		5 – 2 (Nay: Haney, Westfall)
(34) Failure to disclose January 5, 2006, contribution from Doreen Williams in the amount of $250 (1 count).	X		7 – 0
Fine: $250	X		5 – 2 (Nay: Haney, Westfall)
(35) Failure to disclose June 2006 contribution from John Gordon in the amount of $146 (1 count).	X		7 – 0
Fine: $250	X		5 – 2 (Nay: Haney, Westfall)
FAILURE TO TIMELY FILE CAMPAIGN STATEMENTS SDMC §§ 27.2930, 27.2931; 4 COUNTS			
(36) Failure to timely file electronic version covering period from 7/1/06 – 12/31/06	X		7 – 0
Fine: $500	X		5 – 2 (Nay: Biddle, Fuller)
(37) Failure to timely file original signed statement covering period from 7/1/06 – 12/31/06	X		7 – 0
Fine: $500	X		5 – 2 (Nay: Biddle, Fuller)
(38) Failure to timely file electronic version covering period from 1/1/07 – 6/30/07	X		7 – 0
Fine: $500	X		5 – 2 (Nay: Biddle, Fuller)
(39) Failure to file original signed statement covering period from 1/1/07 – 6/30/07	X		7 – 0
Fine: $2,500	X		6 – 1 (Nay: Biddle)
MAKING CASH CONTRIBUTIONS IN AMOUNT OF $100 OR MORE; SDMC § 27.2941; 2 COUNTS			
(40) Failure to abide by $100 cash contribution limit by making a $500 cash contribution in the form of loan on January 3, 2006.	X		7 – 0
Fine: $2,500	X		5 – 2 (Nay: Biddle, Westfall)

Counts (First Amended Final Administrative Complaint)	Yes	No	Vote
(41) Failure to abide by $100 cash contribution limit by making a $500 cash contribution in the form of loan on March 15, 2007.	X		7 – 0
Fine: $2,500	X		5 – 2 (Nay: Biddle, Westfall)
FAILURE TO MAINTAIN CAMPAIGN-RELATED RECORDS; SDMC § 27.2925; 1 COUNT			
(42) Failure to maintain copies of bank statements, vendor invoices, and records related to personal loans.	X		7 – 0
Fine: $5,000	X		6 – 1 (Nay: Cabrera)

DATE: 21 July 2008

/s/
GUILLERMO CABRERA, Chair
SAN DIEGO ETHICS COMMISSION