

1 STACEY FULHORST, Executive Director  
City of San Diego Ethics Commission  
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3 Telephone: (619) 533-3476  
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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.: 2009-58  
11 RICHARD RIDER, )  
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, Richard Rider was a candidate for Mayor in the City of  
22 San Diego in the July 26, 2005, special mayoral election. The Richard Rider for Mayor  
23 committee (Identification # 1277232) [Rider Committee] was a campaign committee registered  
24 with the State of California established to support Mr. Rider's candidacy for mayor. At all  
25 relevant times herein, the Rider Committee was controlled by Mr. Rider within the meaning of  
26 the California Political Reform Act, California Government Code section 82016. Richard Rider  
27 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. On September 13, 2007, the Rider Committee was selected for audit at a random  
3 drawing in accordance with the provisions in the Ethics Commission Audit Manual.

4 Accordingly, an audit of the Rider Committee was performed for the period May 5, 2005,  
5 through December 31, 2005.

6 9. Because the Rider Committee was formed for the purpose of supporting a candidate  
7 in a City of San Diego election, Respondent is required to comply with the provisions of ECCO.

8 10. SDMC section 27.2930 requires candidates and committees to file campaign  
9 statements in the time and manner required by California Government Code sections 81000 *et*  
10 *seq.* California Government Code section 84211 requires that campaign statements include the  
11 following information:

12 (f) If the cumulative of contributions (including loans) received from a person  
13 is one hundred dollars (\$100) or more and a contribution or loan has been  
14 received from that person during the period covered by the campaign statement,  
all of the following:

- 15 (1) His or her full name.
- 16 (2) His or her street address.
- 17 (3) His or her occupation.
- 18 (4) The name of his or her employer, or if self-employed, the name of the  
19 business.

20 11. The Commission's audit revealed that Respondent did not comply with the  
21 requirements of SDMC section 27.2930. In particular, Respondent failed to disclose the receipt  
22 of eight contributions totaling \$1,300.00 as follows:

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Contributor Name	Amount
Sidney Schipper	\$250.00
Sidney Schipper	\$50.00
Howard J. Blitz	\$100.00
Lynn Badler Warren	\$100.00
Sandra W. Lusink	\$100.00
Michael S. Hayden	\$100.00
Brian Holtz	\$300.00
Patricia L. Rider	\$300.00
	<u>\$1,300.00</u>

12. SDMC section 27.2930 also incorporates the requirement of California Government Code section 84211 that requires that campaign statements include the following information:

- (k) For each person to whom an expenditure of one hundred dollars (\$100) or more has been made during the period covered by the campaign statement, all of the following:
  - (1) His or her full name.
  - (2) His or her street address.
  - (3) The amount of each expenditure.
  - (4) A brief description of the consideration for which each expenditure was made.

13. The Commission's audit revealed that Respondent did not comply with the requirements of SDMC section 27.2930. In particular, Respondent did not disclose the following three expenditures totaling \$391.15:

Payee	Amount
Gallery Studio B Photo	\$141.15
Henry S. David	\$100.00
Winona Christenson	<u>\$150.00</u>
	\$391.15

1 Counts

2 **Counts 1 and 2 – Violations of SDMC section 27.2930**

3 14. Respondent failed to disclose the receipt of eight campaign contributions totaling  
4 \$1,300 in violation of SDMC section 27.2930.

5 15. Respondent failed to disclose three campaign expenditures totaling \$391.15 in  
6 violation of SDMC section 27.2930.

7 Conclusion

8 16. Respondent agrees to take necessary and prudent precautions to comply with all  
9 provisions of the Election Campaign Control Ordinance in the future.

10 17. Respondent agrees to pay a fine in the total amount of \$250 for violating SDMC  
11 section 27.2930. This amount must be paid no later than August 21, 2009, by check or money  
12 order made payable to the City Treasurer. The submitted payment will be held pending  
13 Commission approval of this Stipulation and execution of the Decision and Order portion set  
14 forth below.

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16 DATED: \_\_\_\_\_  
17 STACEY FULHORST, Executive Director  
18 ETHICS COMMISSION, Petitioner

19 DATED: \_\_\_\_\_  
20 RICHARD RIDER, Respondent

21 **DECISION AND ORDER**

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23 The Ethics Commission considered the above Stipulation at its meeting on \_\_\_\_\_,  
24 2009. The Ethics Commission hereby approves the Stipulation and orders that, in accordance  
25 with the Stipulation, Respondent pay a fine in the amount of \$250.

26 DATED: \_\_\_\_\_  
27 Richard Valdez, Chair  
28 SAN DIEGO ETHICS COMMISSION