

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.: 2007-38
)
11 RON ROBERTS and F. LAURENCE SCOTT,) **STIPULATION, DECISION, AND**
JR.,) **ORDER**
12)
13)
Respondent.)

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. Ron Roberts [Roberts] was a candidate for Mayor of the City of San Diego in the
22 March 2000 primary election and the November 2000 general election. The Ron Roberts for
23 Mayor Committee [2000 Committee] is a campaign committee registered with the State of
24 California (Identification No. 983539) established to support Roberts' candidacy in the 2000
25 election cycle. Roberts was also a candidate for Mayor in the City of San Diego in the March
26 2004 primary election and the November 2004 general election. The San Diegans for Ron
27 Roberts Committee [2004 Committee] is a campaign committee registered with the State of
28 California (Identification No. 1260553) established to support Roberts' candidacy in the 2004

1 election cycle. At all relevant times herein, the 2000 Committee and the 2004 Committee were
2 controlled by Roberts within the meaning of the California Political Reform Act, California
3 Government Code section 82016.

4 3. At all times mentioned herein, Respondent F. Laurence Scott, Jr., [Scott], principal
5 of the accounting firm Scott & Cronin, was the treasurer of record for both the 2000 Committee
6 and the 2004 Committee.

7 4. Roberts and Scott are referred to herein collectively as “Respondents.”

8 5. This Stipulation will be submitted for consideration by the Ethics Commission at its
9 next scheduled meeting, and the agreements contained herein are contingent upon the approval
10 of the Stipulation and the accompanying Decision and Order by the Ethics Commission.

11 6. This Stipulation resolves all factual and legal issues raised in this matter by the
12 Ethics Commission without the necessity of holding an administrative hearing to determine the
13 Respondents’ liability.

14 7. Respondents understand and knowingly and voluntarily waive any and all
15 procedural rights under the SDMC, including, but not limited to, a determination of probable
16 cause, the issuance and receipt of an administrative complaint, the right to appear personally in
17 any administrative hearing held in this matter, the right to confront and cross-examine witnesses
18 testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to
19 have the Ethics Commission or an impartial hearing officer hear this matter. Respondents agree
20 to hold the City of San Diego harmless from any and all claims or damages resulting from the
21 Commission’s investigation or this stipulated agreement, or any matter reasonably related
22 thereto. Respondents further agree that the terms of this Stipulation constitute compliance with
23 the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a
24 reference to each violation, and an order.

25 8. Respondents acknowledge that this Stipulation is not binding upon any other law
26 enforcement or government agency and does not preclude the Ethics Commission from referring
27 this matter to, cooperating with, or assisting any other law enforcement or government agency
28 with regard to this or any other related matter.

1 **Counts**

2 **Counts 1 through 14 - Violations of SDMC section 27.2921**

3 16. On June 30, 2004, six contributions totaling \$1,300 made payable to the 2004
4 Committee were improperly deposited into the 2000 Committee bank account, in violation of
5 SDMC section 27.2921.

6 17. On January 31, 2005, and February 1, 2005, eight contributions totaling \$2,000
7 made payable to the 2004 Committee were improperly deposited into the 2000 Committee bank
8 account, in violation of SDMC section 27.2921.

9 **Factors in Mitigation**

10 18. Respondents have fully cooperated with the Ethics Commission audit and
11 investigation.

12 19. Information obtained during the course of the Commission's audit indicates that
13 Scott mistakenly believed that contributions made payable to a candidate's controlled committee
14 could be deposited into another committee controlled by the same candidate. Moreover, the
15 Commission's audit revealed no intent to conceal the fact that contributions made payable to the
16 2004 Committee were deposited into the 2000 Committee bank account.

17 **Factors in Aggravation**

18 20. The 2000 Committee used the \$3,300 which was improperly deposited into its bank
19 account to pay back a portion of an \$11,000 personal loan, which Roberts had made to the 2000
20 Committee in 2003. Roberts made this loan to the 2000 Committee after entering into a
21 stipulation with the Ethics Commission in January of 2003, in which he agreed to pay
22 approximately \$35,000 in outstanding vendor debts previously incurred by the 2000 Committee.

23 **Conclusion**

24 21. Respondents agree to take necessary and prudent precautions to comply with all
25 provisions of the Election Campaign Control Ordinance in the future.

26 22. Respondents agree to pay a fine in the amount of \$1,000 for violating SDMC
27 section 27.2921. This amount must be paid no later than September 12, 2007, by check or
28 money order made payable to the City Treasurer. The submitted payment will be held pending

1 Commission approval of this Stipulation and execution of the Decision and Order set forth
2 below.

3
4 DATED: _____
5 STACEY FULHORST, Executive Director
6 ETHICS COMMISSION, Petitioner

7 DATED: _____
8 RON ROBERTS, Respondent

9 DATED: _____
10 F. LAURENCE SCOTT, JR., Respondent

11
12 **DECISION AND ORDER**

13 The Ethics Commission considered the above Stipulation at its meeting on September 13,
14 2007. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
15 with the Stipulation, Respondents pay a fine in the amount of \$1,000.

16
17 DATED: _____
18 Guillermo Cabrera, Chair
19 SAN DIEGO ETHICS COMMISSION