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7 Petitioner

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

10 In re the Matter of: ) Case No.: 2013-46  
11 )  
12 SAN DIEGO AND IMPERIAL COUNTIES ) **STIPULATION, DECISION, AND**  
13 LABOR COUNCIL AFL-CIO, ) **ORDER**  
14 Respondent. )  
15 )

16 **STIPULATION**

17 **THE PARTIES STIPULATE AS FOLLOWS:**

18 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics  
19 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,  
20 implement, and enforce local governmental ethics laws contained in the San Diego Municipal  
21 Code [SDMC] relating to, among other things, the provisions of the Municipal Lobbying  
22 Ordinance, SDMC section 27.4001, *et seq.*

23 2. At all times mentioned herein, the San Diego and Imperial Counties Labor Council  
24 AFL-CIO [Labor Council] was an organization lobbyist registered with the Office of the City  
25 Clerk. The Labor Council is referred to herein as “Respondent.”

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

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1 attempted to influence, the outcome sought, the identity of each lobbyist who lobbied City  
2 Officials on the municipal decision, and the identity of City Officials lobbied. In addition,  
3 information required to be disclosed on quarterly reports includes campaign contributions of \$100  
4 or more made by the organization's owners, compensated officers, or lobbyists to City candidates.  
5 SDMC § 27.4017. These disclosure requirements are the foundation of the City's lobbying laws  
6 because they ensure that the public receives timely information about compensated efforts to  
7 influence the City's decision-making processes.

8 9. On January 17, 2013, Respondent registered as an organization lobbyist for the 2013  
9 calendar year with the Office of the City Clerk.

10 10. Respondent did not file a quarterly report for the third quarter of 2013 on or before  
11 October 31, 2013, despite several reminders from the City Clerk's staff.

12 11. On December 20, 2013, the Commission staff contacted Respondent's representative  
13 who agreed to promptly file Respondent's third quarter disclosure report; however, the report was  
14 not filed until January 9, 2014.

15 12. The third quarter disclosure report filed by Respondent on January 9, 2014, disclosed  
16 that one of Respondent's lobbyists made a \$150 campaign contribution to a City candidate, and  
17 that Respondent's lobbyists engaged in campaign fundraising activities for a committee primarily  
18 formed to support a City candidate, but did not contain information regarding Respondent's  
19 lobbying contacts during the reporting period. Investigative efforts subsequently undertaken by  
20 Commission staff revealed that the information on Respondent's third quarter disclosure report  
21 was incomplete.

22 13. After Respondent's representative was notified that its third quarter disclosure report  
23 was incomplete, Respondent filed an amended report on March 10, 2014, to disclose its lobbying  
24 efforts associated with the Prevailing Wage Ordinance, the Barrio Logan Community Plan, and  
25 the Living Wage Ordinance, and to add two additional campaign contributions totaling \$650 from  
26 its lobbyists to City candidates. After another inquiry from the Commission's staff, Respondent  
27 filed another amendment on March 19, 2014, disclosing an additional lobbying contact with a  
28 City Councilmember concerning the Prevailing Wage Ordinance.

1 Counts

2 Count 1 - Violation of SDMC section 27.4016

3 14. Respondent failed to timely file a 2013 third quarter disclosure report as required by  
4 SDMC section 27.4016. Respondent's quarterly disclosure report for the third quarter of 2013  
5 was due on October 31, 2013, but Respondent did not file it until January 9, 2014, ten weeks late.

6 Count 2 - Violations of SDMC section 27.4017

7 15. Respondent failed to disclose all of the information required by SDMC section  
8 27.4017 when it filed its 2013 third quarter disclosure report on January 9, 2014, and when it filed  
9 an amendment to this report on March 10, 2014. In particular, Respondent failed to disclose its  
10 lobbying activities and all of the campaign contributions made by its lobbyists.

11 Factors in Mitigation

12 16. At the time the 2013 third quarter disclosure report was due, Respondent was  
13 undergoing a transition with new staff members. In response to this enforcement action,  
14 Respondent has taken corrective measures to ensure future compliance, including (1) consulting  
15 with counsel regarding its filing obligations; (2) creating a calendaring system for filing  
16 deadlines; and (3) implementing a system for properly tracking lobbying contacts.

17 Conclusion

18 17. Respondents agree to take necessary and prudent precautions to ensure compliance  
19 with all provisions of ECCO in the future.

20 18. Respondents acknowledge that the Ethics Commission may impose increased fines  
21 in connection with any future violations of the City's campaign laws.

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