

ETHICS COMMISSION RESOLUTION

FINAL DECISION OF THE CITY OF SAN DIEGO ETHICS COMMISSION IN THE MATTER OF ADVANTAGE TOWING COMPANY INC., AND AYMAN AREKAT, RESPONDENTS, CASE NUMBER 2013-15

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 has presented charges against Respondents Advantage Towing Company Inc., (“Advantage Towing”) and Ayman Arekat (hereinafter, collectively referred to as “Respondents”) for violating the Election Campaign Control Ordinance (in particular, San Diego Municipal Code sections 27.2935, 27.2943, and 27.2950) in connection with contributions made to the Fletcher for Mayor 2012 committee (“Fletcher Mayoral Committee”), the Bonnie Dumanis for Mayor 2012 committee (“Dumanis Mayoral Committee”), and the Carl DeMaio for Mayor 2012 committee (“DeMaio Mayoral Committee”); and

WHEREAS, at a public Administrative Hearing held February 22 through 24, 2016, Administrative Law Judge Mary Agnes Matyszewski (the “ALJ”) heard testimony and reviewed evidence relating to these charges; and

WHEREAS, after taking the matter under submission, the ALJ issued a Proposed Administrative Enforcement Order (“Proposed Order”), concluding that Respondent violated the law as alleged in Counts 1 through 32 of Petitioner’s Final Administrative Complaint and recommending that the Ethics Commission: (1) order Respondents to pay a monetary penalty of \$160,000; (2) order the Respondents to cease and desist from violating the laws regulating campaign contributions, specifically San Diego Municipal Code sections 27.2935, 27.2943 and

27.2950; and (3); and that the order in this matter constitute a public reprimand against Respondents Advantage Towing and Ayman Arekat.

WHEREAS, at a public meeting held on April 14, 2016, the Commission (comprised of Commissioners Cochran, Fuller, Kreit, Potter, Voorakkara, and Zinser; with Commissioner Baber absent) considered the Proposed Order as well as written briefings and oral arguments from Petitioner and Respondents, and thereafter deliberated with regard to the amount of the fine, if any, to be imposed against Respondents for violations of ECCO; and

WHEREAS, the final decision of the Commission regarding violations committed by Respondents and the associated fine to be imposed, if any, against Respondents for such 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 the Election Campaign Control Ordinance:

Count	Final Administrative Complaint	Yes	No	Vote
1.	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through its owner Ayman Arekat was made in the name of Seror Mikha in violation of SDMC section 27.2943.	X		6-0
2	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through its owner Ayman Arekat was made in the name of Mohammed Mohammed in violation of SDMC section 27.2943.	X		6-0
3	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through its owner Ayman Arekat was made in the name of Ziad Raheem in violation of SDMC section 27.2943.	X		6-0

Count	Final Administrative Complaint	Yes	No	Vote
4	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through its owner Ayman Arekat was made in the name of Husam Shuibat in violation of SDMC section 27.2943.	X		6-0
5	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through its owner Ayman Arekat was made in the name of Yazid Iriqat in violation of SDMC section 27.2943.	X		6-0
6	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through its owner Ayman Arekat was made in the name of Shaheen Shaheen in violation of SDMC section 27.2943.	X		6-0
7	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat was made in the name of Manal Asad in violation of SDMC section 27.2943.	X		6-0
8	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat was made in the name of Wasan Khudhair in violation of SDMC section 27.2943.	X		6-0
9	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat was made in the name of Mohammed Mohammed in violation of SDMC section 27.2943.	X		6-0
10	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat was made in the name of Shaheen Shaheen in violation of SDMC section 27.2943.	X		6-0

Count	Final Administrative Complaint	Yes	No	Vote
11	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat was made in the name of Dina Ziada in violation of SDMC section 27.2943.	X		6-0
12	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat was made in the name of Mohammed Ziada in violation of SDMC section 27.2943.	X		6-0
13	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat was made in the name of Yazid Iriqat in violation of SDMC section 27.2943.	X		6-0
14	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat was made in the name of Husam Shuibat in violation of SDMC section 27.2943.	X		6-0
15	A \$500 contribution to the DeMaio Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat was made in the name of Manal Asad in violation of SDMC section 27.2943.	X		6-0
16	The \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through Ayman Arekat, made in the name of Seror Mikha, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
17	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through Ayman Arekat, made in the name of Mohammed Mohammed, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0

Count	Final Administrative Complaint	Yes	No	Vote
18	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through Ayman Arekat, made in the name of Zyad Raheem, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
19	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through Ayman Arekat, made in the name of Husam Shuibat, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
20	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through Ayman Arekat, made in the name of Yazid Iriqat, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
21	A \$500 contribution to the Fletcher Mayoral Committee by Respondents Advantage Towing by and through Ayman Arekat, made in the name of Shaheen Shaheen, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
22	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat, made in the name of Manal Asad, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
23	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat, made in the name of Wasan Khudhair, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
24	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat, made in the name of Mohammed Mohammed, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0

Count	Final Administrative Complaint	Yes	No	Vote
25	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat, made in the name of Shaheen Shaheen, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
26	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat, made in the name of Dina Ziada, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
27	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat, made in the name of Mohammed Ziada, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
28	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat, made in the name of Yazid Iriqat, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
29	A \$500 contribution to the Dumanis Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat, made in the name of Husam Shuibat, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
30	A \$500 contribution to the DeMaio Mayoral Committee by Respondent Advantage Towing by and through its owner, Respondent Ayman Arekat, made in the name of Manal Asad, was a contribution from an organization in violation of SDMC section 27.2950.	X		6-0
31	The total amount of contributions (\$3,000) made by six (6) of Respondents' employees to the Fletcher Mayoral Committee exceeded the campaign contribution limit of \$500 in effect at the time in violation of SDMC section 27.2935.	X		6-0

Count	Final Administrative Complaint	Yes	No	Vote
32	The total amount of contributions (\$4,000) made by eight (8) of Respondents' employees to the Dumanis Mayoral Committee exceeded the campaign contribution limit of \$500 in effect at the time in violation of SDMC section 27.2935.	X		6-0

BE IT FURTHER RESOLVED that with regard to the imposition of a penalty:

1. The Commission voted (5 to 1) that Respondents Advantage Towing and Ayman Arekat be ordered to pay a monetary penalty to the General Fund of the City of San Diego of \$128,000, representing \$4,000 per violation. [Ayes: Fuller, Cochran, Potter, Voorakkara, Zinser; Nays: Kreit; Absent: Baber]
2. The Commission voted (6 to 0) that a period of time not to exceed twelve (12) months after the date the Order is served shall be provided for Respondents Advantage Towing and Ayman Arekat to pay the fine. [Ayes: Fuller, Cochran, Kreit, Potter, Voorakkara, Zinser; Nays: NA; Absent: Baber]
3. The Commission voted (5 to 1) to order Respondents Advantage Towing and Ayman Arekat to cease and desist from violating San Diego laws related to campaign contributions, specifically San Diego Municipal Code sections 27.2935, 27.2943 and 27.2950; and that the Administrative Enforcement Order shall constitute a public reprimand against Respondents. [Ayes: Fuller, Cochran, Potter, Voorakkara, Zinser; Nays: Kreit; Absent: Baber]

DATE: April 20, 2016

[REDACTED]

CLYDE FULLER, Vice Chair
SAN DIEGO ETHICS COMMISSION