



# Ethics Commission

**ANNUAL REPORT  
2023**

# MISSION STATEMENT

To preserve public confidence in City government through education, advice, and the prompt and fair enforcement of local governmental ethics laws.

## DUTIES AND RESPONSIBILITIES

The City of San Diego Ethics Commission works to preserve public trust in government and prevent corruption by administering, teaching, and enforcing the City's governmental ethics laws. Commission staff conducts audits and investigations; provides technical legal advice to those within the Commission's jurisdiction; conducts training sessions for the regulated community; ensures the community is informed as laws change and proposes governmental ethics law reforms.

Governmental ethics laws include San Diego's Ethics Ordinance, Election Campaign Control Ordinance, and Municipal Lobbying Ordinance, as well as the state ethics laws they incorporate. The Commission investigates complaints regarding alleged violations of ethics laws and protects individuals from retaliation for reporting violations. The Commission may impose fines up to \$5,000 for each violation of local ethics laws.

Those who fall within the jurisdiction of the Ethics Commission include:

- Elected Officials: The Mayor, Councilmembers, City Attorney, and their staffs
- City Employees: Unclassified managerial employees, including employees of City agencies who file Statements of Economic Interests (Forms 700 or SEIs)
- Campaigns: City candidates, political committees, and campaign treasurers
- City Boards: Members of City boards and commissions who file SEIs
- City Consultants: Consultants designated to file SEIs
- Lobbyists: Registered, Organization, and Expenditure Lobbyists; Lobbying Firms

As an independent City department, the Commission does not report to the Mayor or City Council. Instead, the Commission's Executive Director reports directly to the seven-member, appointed Ethics Commission board. Commissioners are appointed to four-year terms by the Mayor; appointments are confirmed by the Council.

In addition to managing the department, the Commission's Executive Director, Sharon Spivak, works across all of the Commission's programs, working on projects with each Program Manager, as well as on all investigations. This is critical, given the nature of the Commission's confidential and sensitive work. In 2023, the Commission had a staff of six employees: four attorneys, one auditor, and one program manager handling administration and training compliance.

# 2023 COMMISSIONERS AND STAFF

## Chair

Caridad Sanchez

## Vice Chair

Paul Cooper

## Commissioners<sup>1</sup>

William Baber (resigned March 2023)  
Hon. Laura W. Halgren (appointed November 2023)  
James Hauser (appointed November 2023)  
Thomas Hebrank  
Jimmie Slack  
Sid Voorakkara (resigned August 2023)  
Deval Zaveri (appointed October 2023)

## Staff

Sharon Spivak, Executive Director  
Rosalba Gomez, Audit Program Manager  
Ryan O'Connor, Education Program Manager  
Kristina Gagné, Investigative Program Manager  
Megan Curran, Legislative Program Manager  
Victoria Velasquez, Program Manager – Administration & Training

## General Counsel

Christina Cameron  
Devaney Pate Morris & Cameron LLP

---

<sup>1</sup> Commissioners may serve two full consecutive terms under City Charter section 41. Commissioner Baber resigned two months before the end of his second term. Commissioner Voorakkara resigned after legally holding over past the end of his second term, in August 2023. Three new Commissioners were appointed in late 2023 to bring the board to a full seven members as of November 2023. Commissioner Hebrank resigned in January 2024, leaving the board with one vacancy.

## EDUCATION PROGRAM & COMPLIANCE

The Commission continued to make education, advice, and training of City officials its top priorities during 2023. Education Program Manager Ryan O'Connor heads the program, providing ongoing advice to all who seek guidance on the complex web of the City's ethics laws. In 2023, this work included analysis of government ethics laws to respond to more than **441 individual requests for technical legal advice** from those in the regulated community. This number reflects an estimate of those who sought advice through calls and emails, separate from training sessions. Others, not included in this number, sought advice directly from Commission staff in person.

The education and training team has now expanded to include three attorneys. Mr. O'Connor is assisted by Executive Director Sharon Spivak and the Commission's Legislative Program Manager, Megan Curran, in conducting training sessions, providing advice to City officials, and ensuring the regulated community has the information it needs to understand complex ethics laws. The advice program is critical in assisting the regulated community to make decisions that comply with complex ethics laws.

The Commission's Program Manager for Administration and Training, Victoria Velasquez, oversees and manages compliance of all in the Commission's regulated community who are required to attend the Commission's legal training courses. This is a large project, as various constituencies are subject to different training requirements. For example, the City's unclassified employees and elected officials are required to take the Commission's Ethics Ordinance training course every two years.

The Commission's education staff works in three distinct areas. This Report details accomplishments and metrics from 2023:

### ***Ethics Ordinance***

- Commission staff responded to approximately **302 requests** for informal technical advice to assist City officials in complying with the Ethics Ordinance and its incorporated state ethics laws.
- Staff conducted individual, in-person training courses on the Ethics Ordinance for the Councilmembers and staffs representing Council Districts 1, 2, 3, 4, 5, 7, 8, and 9.<sup>2</sup> This work trained **79 people – Council members and their staffs** - in small, interactive classes. Teaching Council offices separately allowed for robust discussions and time to address issues facing individual offices.
- Staff conducted four live training sessions on the Ethics Ordinance for **350 unclassified City employees** who file Statements of Economic Interests (FPPC

---

<sup>2</sup> Note: The District 6 Council member and staff were trained in December 2022, the week the new Councilmember assumed office.

Form 700s). These two-hour sessions routinely have up to 100 participants and are taught in January, April, July, and October.

- In November, Commission staff conducted a live ethics training class for the Planning Commission at a public meeting.
- Approximately **250 additional City Officials** (primarily City consultants and volunteer members of City boards and commissions) used the Commission's online training program to learn about the City's Ethics Ordinance and the legal requirements they face.
- Education staff also monitored the impacts of actions of the California Fair Political Practices Commission, including actions taken through meetings, advice letters, legal opinions, and pending legislation. Staff ensured the regulated community was aware of changes in the law, by updating website content and conducting outreach, along with the Legislative Program Manager.
- Staff also worked with the City Clerk's Office to assist with questions and ensure e-filing of agency disclosures in Forms 801, 802, 803, 804, 805, 806, and 807.

### ***Election Campaign Control Ordinance***

This ordinance includes City laws governing City candidates, political committees, and campaign treasurers. It also incorporates numerous state campaign laws. In 2023:

- Commission staff responded to approximately **90** requests for informal assistance from City candidates and treasurers, as well as various political committees participating in City elections.
- As part of its outreach to all who seek to run for City office, staff conducted **three live training sessions on the City's election laws** for candidates, treasurers and campaign staff participating in the 2024 primary election. Candidates filing notices of intent to seek office were invited to training sessions, which discussed the ordinance, the California Political Reform Act, and FPPC regulations.
- Commission staff monitored changes to state laws concerning campaign advertising disclosures and updated the Commission's advertising charts.
- Staff updated 18 previously issued Fact Sheets on the Commission's website to ensure the community was aware of updates to governing law.
- Staff assisted with advice and as a partner with the City Clerk's Office to help facilitate e-filing of City campaign and ballot measure committee financial disclosures through FPPC Forms 410, 425, 450, 460, 462, 470, 496, and 497.

## ***Lobbying Ordinance***

This ordinance includes the City's laws governing lobbyists, covering a range of activities, from those who are registered City lobbyists to non-profit organizations that spend money to lobby City officials. In 2023:

- Commission staff responded to approximately **49 requests** for informal advice and assistance concerning the City's lobbying laws.
- Upon request, Commission staff met with individual lobbyists to answer questions related to their activities under the ordinance.
- Among those subject to the ordinance, **25 lobbying firm and organization lobbyists** also took the Commission's online training on the City's lobbying laws.
- Staff periodically updated a list of candidates and committees active in recent election cycles to assist lobbyists to disclose required campaign activities on quarterly reports.
- Staff also worked with the City Clerk's Office to assist with questions and ensure e-filing of financial disclosures by lobbying firms, organization lobbyists, and expenditure lobbyists, through Forms 601, 602, 603, 604, and 605.

## ***Additional Disclosure and Outreach Activities***

Education staff's efforts to ensure outreach and proper disclosures in 2023 also included the following:

- **\$10,000+ Donors**: To provide the public with information regarding the persons and entities largely funding the committees that support or oppose City candidates and measures, the Commission maintained a list on its website of each committee's \$10,000+ donors, the amount contributed, and occupation and employer information when applicable.
- **Website materials**: Staff frequently updated the Commission's website ([www.sandiego.gov/ethics](http://www.sandiego.gov/ethics)) to provide the public with timely information regarding Commission meetings, legislative proposals, educational efforts, and enforcement activities.
- **Outreach**: Staff disseminated information to the public, the regulated community, City Officials, and the media via the Commission's "interested persons" e-mail lists: one for campaign finance issues, one for ethics issues, and one for lobbying issues. The Executive Director and Education Program Manager also issued specific legal summaries and updates to City officials and the regulated community, which were posted on the Commission's website.

## LEGISLATIVE PROGRAM

Working with the Executive Director, the Legislative Program Manager, Megan Curran, has primary responsibility for overseeing and implementing the Commission's Legislative Program. This work includes tracking state laws, monitoring programs of similar commissions, and proposing, drafting, and updating the City's ethics, lobbying, and campaign laws. Additionally, the Legislative Program Manager tracks local, state, and federal court decisions as well as statutory and regulatory amendments relevant to the City's ethics laws. Specifically, the Legislative Program Manager closely follows events at both the San Diego City Council as well as the state's Fair Political Practices Commission.

Throughout 2023, one large focus of this legislative work included continued analysis and tracking of significant legislation known as California Senate Bill 1439, which took effect January 1, 2023. Under this law, local elected officials became subject to a state law designed to prohibit "pay-to-play" politics in California. The bill, which amended Government Code section 84308 (the Levine Act), applied previously existing state laws to local government agencies, including city councils, for the first time. Significantly, the law requires elected officials to recuse themselves from certain proceedings and prohibits them from receiving certain campaign contributions. Commission staff will continue to monitor the impacts of the Levine Act.

The Legislative Program Manager also works to ensure the community is updated about legislative changes through Commission press releases, the Commission's website, and communications through e-mail lists.

In addition to primary responsibility for legislative issues, the Legislative Program Manager also supports other programs within the office.

This position serves along with the Executive Director as a "utility player," who assists the Commission in responding to the office's greatest needs in a time of limited resources. In 2023, this was especially true of the Enforcement Program. The position supports Enforcement as needed, including by conducting publicly available fact-finding and legal research regarding cases on which the Legislative Program Manager has not offered technical advice.

The position also serves as an additional attorney staffing and supporting the Commission's technical advice program and training courses, interpreting and advising on governmental ethics laws.

In 2023, the Legislative Program Manager had primary responsibility for updating and modernizing additional training courses, including the training for candidates and campaigns. This advanced a Commission goal of providing more meaningful and accessible training to those who seek it.

## AUDIT PROGRAM

The Ethics Commission audits campaign committees as part of its core functions, with all audits conducted by a single auditor - Audit Program Manager Rosalba Gomez.

Campaign committees are audited depending upon the total of all contributions (monetary and non-monetary) and loans the committee received. Committees are automatically audited if their level of financial activity is \$100,000 or more. Committees with lower levels of financial activity are subject to a random drawing, which selects a percentage of additional committees for audit: 75% of qualifying committees with financial activity between \$50,000 and \$99,000 are audited; 25% of qualifying committees with financial activity between \$15,000 and \$49,999 are audited.

The random drawings occur in September of the odd-numbered year following a general election. On September 9, 2021, the Commission conducted a random drawing to select committees for audit that participated in the 2020 election cycle. In 2023, the Commission's Auditor completed audits of the following **18 campaign committees from the 2020 election cycle**:

Todd Gloria for Mayor 2020  
Mara Elliott for City Attorney 2020  
Mara Elliott Legal Defense Fund  
Whitburn for City Council 2020  
Leventhal for Council 2020  
Small Business Recovery Coalition Supporting Joe Leventhal for City Council 2020  
San Diegans for Midway Revitalization – Yes on E  
Marni von Wilpert for City Council 2020  
Marni von Wilpert Legal Defense Fund  
Joe LaCava for City Council 2020  
Sean Elo for City Council 2020  
Barbara Bry for San Diego Mayor 2020  
Noli Zosa for Council 2020  
Sherman for Mayor 2020  
Sam Nejabat for City Council 2020  
Neighbors for Housing Solutions Supporting Todd Gloria for San Diego Mayor 2020  
San Diegans from Every Community in Support of Todd Gloria for Mayor 2020  
Committee Supporting the Recall of Jennifer Campbell

Significantly, **two audits conducted in 2023 were the most voluminous in Ethics Commission history**. With numbers rounded, including non-monetary contributions:

Largest: Barbara Bry for San Diego Mayor 2020, \$2,941,845 in contributions and \$2,939,710 in expenditures; and

Runner-up and second largest in Commission history: Todd Gloria for Mayor 2020, \$2,234,147 in contributions and \$2,231,770 in expenditures.



As of the date of this report, two additional audits from the 2020 election cycle have been completed and three others are in progress. Looking ahead, the Auditor will be working on audits of campaign committees that participated in the 2022 election cycle. In September 2023, the public, random drawing was held to select the 2022 committees subject to audits, along with those that automatically will be audited because their level of financial activity reached or exceeded \$100,000. These **13 committees** are:

Committees Supporting or Opposing a Candidate: \$100,000 or more

- Joel Day for City Council 2022
- Kent Lee for City Council 2022
- Monica Montgomery Steppe for City Council 2022
- Re-Elect Dr. Jen Campbell for City Council 2022
- Tommy Hough for San Diego City Council 2022
- Vivian Moreno for City Council 2022

Committees Supporting or Opposing a Candidate: \$50,000 to \$99,000

- Antonio Martinez for City Council 2022
- Committee to Elect Linda Lukacs for City Council 2022

Committees Supporting or Opposing a Candidate: \$15,000 to \$49,999

- Lori Saldana for City Council 2022

Committees Supporting or Opposing a Ballot Measure: \$100,000 or more

- Affordable Homes for San Diego led by Chris Cate – Yes on Measure C
- Opportunity for All San Diego ballot measure committee by Sean Elo-Rivera, Yes on B and C
- San Diegans Against Discrimination, Opposing Measure D, Sponsored by the Associated General Contractors of America San Diego Chapter, Inc.
- Yes on D – Safeguard San Diego Infrastructure, Sponsored by labor and community organizations

Note: There were no ballot measure committees that raised or spent less than \$100,000 in the City's 2022 election cycle.

For context: There are routinely more committees to audit from presidential election years than midterm election years. This is due to the fact that the City Charter sets elections for 7 of 11 City offices (Mayor, City Attorney, and 5 Council seats) for a cycle that is the same as that of presidential elections. (The other four Council seats have terms that coincide with midterm elections.) More ballot measures are generally placed on City ballots in presidential election years, due to increased voter turnout.

# ENFORCEMENT PROGRAM

Kristina Gagné, Investigative Program Manager, leads the Ethics Commission's enforcement program. Commission staff's investigation and enforcement work is detailed in this public report to the extent possible. Due to confidentiality laws that protect the investigative process, Commission staff are limited in what they can include in this report.

## ***Complaints – Summary and Statistics***

Complaints are submitted through the Ethics Commission's online complaint submission portal and via email, telephone, referral, and in person.

In 2023, Commission staff processed 126 formal and informal complaints (including 9 staff-initiated complaints).

Of these complaints, 108 complaints either:

- (1) contained insufficient information to support an allegation of a violation; or
- (2) alleged a violation that fell outside of the Commission's jurisdiction.

The majority of these matters did not state allegations regarding potential violations of the City's ethics, campaign, or lobbying laws. This included 91 informal complaints and 16 formal complaints. The Commission's Chair and Vice Chair also reviewed these complaints and staff's determinations, as a check on the determinations. Often, such complaints alleged wrongdoing related to types of "unethical behavior" and "immorality" unrelated to the Commission's enforcement areas. They also alleged personal disputes (landlord-tenant matters, etc.). When appropriate, Commission staff referred matters to other enforcement entities.

With this background, Commission staff reports the following statistics for 2023:

### *Informal complaints*

*Investigations of informal complaints authorized - 9*

*Informal complaints processed but dismissed before investigation - 91*

### *Formal complaints*

*Investigations of formal complaints authorized - 1*

*Formal complaints processed but dismissed before investigation – 16*

### *Staff-initiated complaints*

*Investigations of staff-initiated complaints authorized - 8*

*Staff-initiated complaints processed but dismissed before investigation - 1*

*Complaints processed and authorized for investigation alleged the following violations of law:*<sup>3</sup>

- 11 complaints alleged a violation of the Ethics Ordinance;
- 7 complaints alleged a violation of the Lobbying Ordinance; and
- 4 complaints alleged a violation of the Election Campaign Control Ordinance.

### ***Investigations – Summary and Statistics***

During 2023, 18 new complaints were approved for investigation. These matters joined 2 previously authorized investigations that were expanded in scope, and 5 cases in which an investigation was authorized in previous years, but which were still ongoing.

These 25 matters resulted in the following dispositions during 2023:

- Ten matters were investigated by Commission staff; the matters were later dismissed by the Commission after considering the results of staff investigations. Some of the matters were resolved after the involved parties took mandatory corrective actions, cooperated with the investigation, and Commission staff provided them with education on the relevant laws.
- Two matters were presented to the Commission, and the Commission voted to take no further action.
- Five matters resulted in stipulated settlements after investigations.
- Eight of the matters were still pending and under investigation as of December 31, 2023.

### ***Enforcement - Stipulations***

During 2023, the Commission resolved five matters after investigation through stipulated settlements. For more detail on each matter, please see the Stipulations, which are posted on the Commission's website after approval by the Ethics Commission board. A summary follows here:

- Chelsea Investment Corporation, an organization lobbyist registered with the City Clerk, paid a \$1,000 fine for failing to disclose a \$25,000 contribution to a candidate-controlled ballot measure committee on its quarterly disclosure report.
- Marni von Wilpert and Política Campaign Treasury, LLC. Von Wilpert controlled a legal defense fund (LDF) using Política as its treasurer. Respondents paid a fine of \$6,200 for failing to file 27 Disclosure of Pending Matters forms. These forms

---

<sup>3</sup> Some complaints alleged violations of more than one ordinance.

must be filed for each contributor disclosing any financial interest the contributor has in any municipal decision pending before a City candidate or official.

- Midway Rising, LLC, and Zephyr Acquisitions Group, LLC. Midway Rising is the redevelopment team, with Zephyr as a member, that was selected to redevelop the Sports Arena site. Respondents paid a fine of \$5,000 for failing to promptly file three expenditure lobbying reports.
- Downtown San Diego Partnership, an organization lobbyist registered with the City Clerk, paid a fine of \$200 for failing to promptly disclose a campaign contribution made by the organization's sponsored committee on its quarterly disclosure report.
- WalkSanDiego dba Circulate San Diego, an organization lobbyist registered with the City Clerk, paid a \$100 fine for failure to disclose campaign contributions made by an organization officer.

All fines are paid to the City of San Diego's General Fund and are not credited to the Commission's operating budget.

### ***Review of Lobbyist, Committee, and SEI Filings***

In addition to the enforcement efforts discussed above, Commission enforcement staff reviews certain documents filed with the Ethics Commission or the City Clerk's Office. As the Investigative Program Manager identifies issues, she follows up with officials to ensure compliance with disclosure requirements. In 2023, for example:

- Enforcement staff spot-checked a sampling of Statements of Economic Interests filed by City employees for missing and inaccurate data. In 2023, Commission staff reviewed at least 20 employee SEIs to assess compliance with the City's ethics laws.
- Enforcement staff reviewed all lobbyist registrations and quarterly reports. In 2023, staff examined more than 115 lobbying firm and organization lobbyist filings. Reviews assess whether lobbyists have adequately disclosed legally required information. Commission staff conducts outreach to lobbyists to seek more robust disclosures and amendments or to request disclosure of missing information.
- Enforcement staff reviewed filings by primarily formed committees and sent eight letters to principal officers informing them of their duties under the law.

This work can lead to Commission investigations and fines.

\*\*\*

*For more information about the Ethics Commission, please visit our website, [www.sandiego.gov/ethics](http://www.sandiego.gov/ethics), or contact our office at [ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov) or by phone, (619) 533-3476. The website provides detail about the Commission, its procedures, and the City's ethics laws, as well as a portal through which the public can file ethics complaints that fall in the Commission's jurisdiction.*