BEFORE THE CITY OF SAN DIEGO
ETHICS COMMISSION

In re the Matter of: ADVANTAGE TOWING COMPANY INC., and AYMAN AREKAT,
Respondents.

) Ethics Commission Case No.: No. 2013-15
) OAH Case No. 2015090579

ADMINISTRATIVE ENFORCEMENT ORDER
)[SDMC § 26.0439]
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) Date: April 14, 2016
) Time: 5:00 p.m.
) Location: 202 C Street, 12th Floor
) San Diego, CA  92101

Pursuant to San Diego Municipal Code ("SDMC") section 26.0435, the Ethics
Commission appointed an Administrative Law Judge to serve as the Presiding Authority in
Ethics Commission Case No. 2013-15. The Administrative Hearing took place February 22, 23,
and 24, 2016, during which time Administrative Law Judge Mary Agnes Matyszewski (the
"ALJ") heard testimony and reviewed evidence relating to the allegations in the Final
Administrative Complaint ("Administrative Complaint") brought by Petitioner against
Respondents. In accordance with SDMC section 26.0437, the ALJ issued a Proposed
Administrative Enforcement Order ("Proposed Order") dated March 15, 2016. The Proposed
Order was received by the Ethics Commission’s Executive Director on March 17, 2016, and
emailed to Respondents on March 24, 2016. Thereafter, in accordance with SDMC section
26.0437 (e), on April 7, 2016, Petitioner and Respondents each submitted a brief in response to
the Proposed Order. In accordance with SDMC sections 26.0437 and 26.0438, the Ethics Commission deliberated in open session on April 14, 2016.

The Administrative Complaint alleges that Respondents Advantage Towing Company, Inc. (“Advantage Towing”) and Ayman Arekat (hereinafter collectively referred to as “Respondents”) violated the Election Campaign Control Ordinance (“ECCO”) in connection with contributions made to three candidates in the 2012 Mayoral election. After deliberating pursuant to SDMC section 26.0438 with regard to each violation alleged by Petitioner in the Administrative Complaint, and based on findings of fact, conclusions of law, and the entire record of the proceedings, the Ethics Commission found by the concurring votes of at least four (4) Commissioners as set forth in the Ethics Commission Resolution dated April 14, 2016, that Petitioner established by a preponderance of the evidence that Respondents violated ECCO as set forth below.

Further, for each finding of a violation of ECCO, the Ethics Commission voted on the penalty to be imposed in consideration of all of the relevant circumstances, including, but not limited to: (1) the severity of the violation; (2) the presence or absence of any intention to conceal, deceive, or mislead; (3) whether the violation was deliberate, negligent, or inadvertent; (4) whether the Respondents demonstrated good faith by consulting the Commission staff for written advice that does not constitute a complete defense; (5) whether the violation was an isolated incident or part of a pattern, and whether the violator has a prior record of violations of governmental ethics laws; (6) the existence of any mitigating information; and (7) the degree to which the Respondents cooperated with Commission staff by providing full disclosure, remedying a violation, or assisting with the investigation. SDMC §26.0438(f). Based on the concurring votes of at least five (5) Commissioners as set forth in the Ethics Commission Resolution dated April 14, 2016, the Ethics Commission imposed on Respondents the penalties set forth below for their violations of ECCO.

Counts 1 through 15 - Violations of SDMC section 27.2943

SDMC section 27.2943 prohibits any person from making a contribution in the name of another person, a practice commonly known as “campaign money laundering.”
Respondents violated SDMC section 27.2943 by making six (6) campaign contributions of $500 each in December of 2011 to the Fletcher for Mayor 2012 committee (“Fletcher Mayoral Committee”) in the names of the following Advantage Towing employees while concealing Advantage Towing as the true source of the contributions:

<table>
<thead>
<tr>
<th>Date</th>
<th>Contributor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/28/11</td>
<td>Seror Mikha</td>
<td>$500</td>
</tr>
<tr>
<td>12/28/11</td>
<td>Mohammed Mohammed</td>
<td>$500</td>
</tr>
<tr>
<td>12/28/11</td>
<td>Zyad Raheem</td>
<td>$500</td>
</tr>
<tr>
<td>12/28/11</td>
<td>Husam Shuibat</td>
<td>$500</td>
</tr>
<tr>
<td>12/29/11</td>
<td>Yazid Iriqat</td>
<td>$500</td>
</tr>
<tr>
<td>12/29/11</td>
<td>Shaheen Shaheen</td>
<td>$500</td>
</tr>
</tbody>
</table>

Respondents also violated SDMC section 27.2943 by making eight (8) campaign contributions of $500 each between January and March of 2012 in the names of the following Advantage employees and their spouses to the Bonnie Dumanis for Mayor 2012 committee (“Dumanis Mayoral Committee”), while concealing Advantage Towing as the true source of the contributions:

<table>
<thead>
<tr>
<th>Date</th>
<th>Contributor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/19/12</td>
<td>Manal Asad</td>
<td>$500</td>
</tr>
<tr>
<td>01/19/12</td>
<td>Wasan Khudhair</td>
<td>$500</td>
</tr>
<tr>
<td>01/19/12</td>
<td>Mohammed Mohammed</td>
<td>$500</td>
</tr>
<tr>
<td>01/19/12</td>
<td>Shaheen Shaheen</td>
<td>$500</td>
</tr>
<tr>
<td>01/19/12</td>
<td>Dina Ziada</td>
<td>$500</td>
</tr>
<tr>
<td>01/19/12</td>
<td>Mohammed Ziada</td>
<td>$500</td>
</tr>
<tr>
<td>03/17/12</td>
<td>Yazid Iriqat</td>
<td>$500</td>
</tr>
<tr>
<td>03/17/12</td>
<td>Husam Shuibat</td>
<td>$500</td>
</tr>
</tbody>
</table>

Respondents also violated SDMC section 27.2943 by making one (1) campaign contribution of $500 in October of 2012 in the name of the following Advantage Towing
employee to the Carl DeMaio for Mayor 2012 committee (“DeMaio Mayoral Committee”),
while concealing Advantage as the true source of the contribution:

<table>
<thead>
<tr>
<th>Date</th>
<th>Contributor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/05/12</td>
<td>Manal Asad</td>
<td>$500</td>
</tr>
</tbody>
</table>

**Counts 16 through 30 - Violations of SDMC section 27.2950**

SDMC section 27.2950 prohibits contributions from organizations (other than political parties).

Respondents violated SDMC section 27.2950 by making fifteen (15) campaign contributions from an organization (Advantage Towing) to a City candidate, as described above in Counts 1 through 15.

**Counts 31 and 32 - Violation of SDMC section 27.2935**

SDMC section 27.2935 imposes a limit on the amount that any individual may contribute for any single election for the office for Mayor.

Respondents violated SDMC section 27.2935 by making six (6) contributions totaling $3,000 to the Fletcher Mayoral Committee, an amount far in excess of the $500 contribution limit in effect at the time.

Respondents also violated SDMC section 27.2935 by making eight (8) contributions totaling $4,000 to the Dumanis Mayoral Committee, an amount far in excess of the $500 contribution limit in effect at the time.

Based on the findings set forth above and pursuant to SDMC section 26.0439, the Ethics Commission orders that:

1. Respondents pay a monetary penalty in the amount of $128,000 (equivalent to $4,000 per violation) to the General Fund of the City of San Diego in accordance with the provisions of SDMC sections 26.0439(b)(3) and 26.0440 within 12 months of the date this Order is served on Respondents;

2. Respondents cease and desist from violating the laws regulating to campaign contributions, specifically San Diego Municipal Code sections 27.2935, 27.2943 and 27.2950; and
(3) This Administrative Enforcement Order constitutes a public reprimand against Respondents.

IT IS SO ORDERED.

Dated: April 20, 2016

CITY OF SAN DIEGO ETHICS COMMISSION

By [REDACTED]

Clyde Fuller, Chair