

Interactions with the San Diego Union-Tribune  
**“Charity set up to support San Diego city attorney’s office program listed as delinquent by regulators”**

June 18, 2023

**Question:**

I noticed Mara Elliott reported a \$100k behested payment last week to a shop that is delinquent, according to state of CA. Here’s the Form 803

[https://efile.sandiego.gov/pdfview?doc\\_public=Ext\\_a4ede2b6-bd52-42fa-a3f9-4ce6027b0227&return\\_url=%2Fpublic%2Fsearch%2Fagency-reports%3Fstart\\_date%3D2022-06-08%26end\\_date%3D2023-06-08%26query%3D%26current\\_page%3D1%26page\\_size%3D10%26filing\\_types%3Dfppc801%252Cfppc802%252Cfppc803%252Cfppc806&use\\_return\\_url\\_only=true](https://efile.sandiego.gov/pdfview?doc_public=Ext_a4ede2b6-bd52-42fa-a3f9-4ce6027b0227&return_url=%2Fpublic%2Fsearch%2Fagency-reports%3Fstart_date%3D2022-06-08%26end_date%3D2023-06-08%26query%3D%26current_page%3D1%26page_size%3D10%26filing_types%3Dfppc801%252Cfppc802%252Cfppc803%252Cfppc806&use_return_url_only=true)

Can you tell me why the City Attorney is directing charitable contributions to an entity that is not legally permitted to conduct business in the state of California? Also, it appears this entity is a project of the City Attorney’s Office itself. <file:///C:/Users/jmcdonald/Downloads/614210.pdf> Can you walk me through this so I understand the business model?

Lastly, the 990EZ submitted in 2021 indicates that SD Family Justice Center 2019 reported \$2198 in total revenue in 2020 <https://projects.propublica.org/nonprofits/organizations/833629308/202121419349200727/full> But the filing online at the AG website shows the entity received \$50,000 that year. (see page 37/72 here <file:///C:/Users/jmcdonald/Downloads/614210.pdf>) Can you explain the discrepancy?

Here’s a screen shot of the AG website indicating the delinquency status effective March 2020.

Registrant Details			
Entity type: Corporate Class as registered with the Secretary of State or based on founding & registration document			
<b>Organization Name:</b>	YOUR SAFE PLACE FOUNDATION	<b>IRS FEIN:</b>	833629308
<b>Entity Type:</b>	Public Benefit	<b>SOS/FTB Corporate/Organization Number:</b>	424195
<b>Registry Status:</b>	Delinquent	<b>Renewal Due/Exp. Date:</b>	5/15/2020
<b>RCT Registration Number:</b>	CT0268045	<b>Issue Date:</b>	3/4/2020
<b>Record Type:</b>	Charity Registration	<b>Effective Date:</b>	3/4/2020
<b>Date of Last Renewal:</b>		<b>DBA:</b>	
Mailing Address			
<b>Street:</b>	1122 BROADWAY 2ND FLR		
<b>Street Line 2:</b>			
<b>City, State Zip:</b>	SAN DIEGO CA 92101		

**Response:**

Our Office reached out to the chair of the board of the directors of the Your Safe Place Foundation, Denise Z. Price. Ms. Price told us that, after consulting with the Foundation’s attorney and accountant, she is confident that the Foundation is in good standing with all state agencies, including the Franchise Tax Board, the Secretary of State, and the Attorney General.

Ms. Price can be contacted at [denise@theclayco.com](mailto:denise@theclayco.com).

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**Question:**

Ok thanks. Can you explain why the city attorney directed a six-figure contribution to a delinquent charity? I don't see where you addressed that issue. Also, can you explain the relationship between the CAO and the SD FJC?

**Response:**

You are wrong to claim the City Attorney "directed" the donation. She did not solicit the donation from Golden Door, and she was unaware of it until the Foundation chair informed our Office of it. However, she is grateful for the Golden Door's generosity and its focus on child-abuse prevention.

Moreover, our Office sought the advice of the San Diego Ethics Commission before it filed the Form 803. The San Diego Ethics Commission advised us that it was not necessary for the City Attorney to file a form 803, given she had no role in the donation, but she could do so if she wanted. The City Attorney chose to do so to provide public transparency.

Our Office had previously informed the public of the donation by a news release that explained how the money will be used. I do not recall that the Union-Tribune covered the donation at that time. See "Golden Door Steps Up to Help Child Abuse Victims": <https://www.sandiego.gov/sites/default/files/nr230427b.pdf>

You asked about the relationship between "the CAO and SD FJC." The San Diego Family Justice Center was created more than 20 years ago by then-City Attorney Casey Gwinn. It changed its name a few years ago to Your Safe Place and is a City program under the City Attorney's Office.

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**Question:**

I am not claiming anything; I am simply asking. Please do not construe my questions as claims, allegations or anything else. The definition of a behested payment, in case you don't know, is literally a donation made at the behest/ direction of a public official. I do not understand why Ms. Elliott would sign a Form 803 declaring she made a \$100k behest of the Golden Door to the charity. Also, the charity – formally named San Diego Family Justice Center Foundation 2019 -- was established in 2019, so it is unrelated to Casey Gwinn's shop.

If this is everything you and/ or the CA want to say publicly about this transaction that's fine, but let's be clear what we are talking about. I have to file this MON so let me know if there's anything you want

**Response:**

The FPPC defines behested payments this way:

**Behested payments are donations made to an individual, a government agency, or a nonprofit payee at the request of an elected official for a legislative, governmental, or charitable purpose. Generally, a payment is considered behested, and subject to reporting, if:**

- The payment is made at the request, suggestion, or solicitation of, or in cooperation, consultation, coordination, or concert with an elected official
- The behesting official does not provide full and adequate consideration in exchange for the payment
- The payment is made for a legislative, governmental, or charitable purpose
- The payment does not qualify as a gift (made for personal purposes) or a contribution (made for election-related activity) to the elected official
- The value of the payment meets or exceeds the reporting threshold of \$5,000

In this case, the Golden Door donation did not come “at the request, suggestion, or solicitation of, or in cooperation, consultation, coordination, or concert with an elected official.”

However, the Golden Door did make it for a specific governmental purpose: to build out state-of-the-art children’s forensics interview rooms that will benefit the recovery and healing of young clients of Your Safe Place. This is consistent with Golden Door’s focus on child-abuse prevention.

The San Diego Ethics Commission advised our Office that this donation did not need to be reported in a Form 803 as a matter of law, but said nothing precluded the City Attorney from reporting it out of a commitment to transparency.

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**Question:**

I still don’t understand your position. The CA signed a document stating it was a behested payment but you say it was NOT a behested payment. Also, this project is a CA project but there is no explanation for the delinquency, the financial-reporting inconsistencies or even a general description of why the entity exists outside of the routine office budget/ expense process. Government agencies accept donations all the time without establishing an independent exempt org. Your refusal to discuss/ explain much of this is doing the opposite of your stated commitment to transparency. I’m at [XXX-XXX-XXXX Phone number redacted] if you change your mind.

**Response:**

The City Attorney erred on the side of disclosure for reasons that include transparency and caution as the law in this area is not crystal clear. The City Attorney went beyond the law’s requirements because she believes the public has a right to know.

It is not unusual for a City departments - the Library, Parks and Rec, Fire, and SDPD to name a few - to benefit from the generosity of foundations. This office does not serve as legal counsel to the foundation. The foundation that benefits YSP’s mission relies on advice from its own legal counsel. We previously provided you with the name and contact information for the foundation’s chair so that you can ask her about the foundation’s filing status.

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**U-T Response:**

OK thanks again

