BEFORE THE CITY OF SAN DIEGO
ETHICS COMMISSION

In re the Matter of: MARTI EMERALD,
Respondent.

) Case No.: 2008-73
) ADMINISTRATIVE ENFORCEMENT
) ORDER
) [SDMC § 26.0439]
) Date: April 8 and 29, 2010
) Time: 9:00 a.m.
) Location: 202 C Street, 12th Floor
San Diego, CA 92101

Pursuant to San Diego Municipal Code section 26.0436 et seq., the City of San Diego
Ethics Commission (composed of Commissioners Lee Biddle, Clyde Fuller, Dorothy Leonard,
Richard Valdez, and Larry Westfall), sitting as the Presiding Authority at a public
Administrative Hearing held on the 8th and 29th day of April, 2010, heard testimony and
reviewed evidence relating to the allegations in the Final Administrative Complaint
[Administrative Complaint] brought by Petitioner Alison Adema against Respondent Marti
Emerald [Respondent].

The Administrative Complaint alleges that Respondent violated the Election Campaign
in connection with Respondent’s candidacy for the Seventh District City Council seat in the
City of San Diego in the 2008 election cycle. Specifically, the Administrative Complaint
alleges two counts against Respondent for the failure to timely disclose accrued expenses.

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Respondent stipulated to both counts and the Presiding Authority accepted such stipulation, thereby establishing the violations of ECCO alleged in the Administrative Complaint against Respondent at the Administrative Hearing.

As a violation of ECCO had been established by way of stipulation, the Ethics Commission voted on the penalty to be imposed against the Respondent, if any, in consideration of all of the relevant circumstances, including, but not limited to: (1) the severity of the violation; and (2) the presence or absence of any intention to conceal, deceive, or mislead; and (3) whether the violation was deliberate, negligent, or inadvertent; and (4) whether the Respondent demonstrated good faith by consulting the Commission staff for written advice that does not constitute a complete defense; and (5) whether the violation was an isolated incident or part of a pattern, and (6) whether the violator has a prior record of violations of Governmental Ethics Laws; and (7) the existence of any Mitigating Information; and (8) the degree to which the Respondent 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 Commissioners, as set forth in the Ethics Commission Resolution dated May 3, 2010, the Ethics Commission imposed the penalties on Respondent set forth below for her violations of ECCO.

Counts 1 and 2 – Violations of SDMC section 27.2930

SDMC section 27.2930 requires candidates and committees to file campaign statements in the time and manner required by state law. California Government Code section 84211 requires the itemized disclosure of all contributions and expenditures over $100.00, including accrued expenses.

Based upon the stipulation of the parties, the Ethics Commission finds that Respondent committed two violations of SDMC section 27.2930 by failing to timely disclose two accrued expenses. The Ethics Commission’s specific findings and imposition of penalties on Counts 1 and 2 are as follows:

Count 1 - Respondent failed to timely disclose the win bonus owed to KM Strategies in the amount of $10,000 as an accrued expense on the campaign statement covering the period
ending December 31, 2008, and is ordered to pay a penalty in the amount of $1,500.00 for Count 1.

**Count 2** - Respondent failed to timely disclose the win bonus owed to Ross Communications in the amount of $40,000 as an accrued expense on the campaign statement covering the period ending December 31, 2008, and is ordered to pay a penalty in the amount of $1,500.00 for Count 2.

Based upon the stipulation of the parties, the findings set forth above, and pursuant to SDMC section 26.0438, the Ethics Commission orders that Respondent pay a monetary penalty in the amount of $3,000 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 90 days of the date this Order is served on Respondent.

**IT IS SO ORDERED,**

Dated: May 3, 2010

CITY OF SAN DIEGO ETHICS COMMISSION

By

Richard Valdez, Chair

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