



**Minutes for Meeting of
Thursday, April 9, 2009**

Item-1: Call to Order

Chairman Cabrera called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Chairman Guillermo Cabrera, Commissioners Lee Biddle, Krishna Haney, Dorothy Leonard, and Larry Westfall

Staff – Executive Director Stacey Fulhorst, General Counsel Alison Adema, Program Manager Steve Ross, Senior Investigator Lauri Davis, and Investigator Kacy Green

Excused – Vice-Chair Richard Valdez, Commissioner Clyde Fuller

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of March 12, 2009

Motion: Approve

Moved/Seconded: Haney/Leonard

Vote: Carried Unanimously

Excused: Valdez/Fuller

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

None

Item-6: Executive Director Comment

Director Fulhorst reported that the Commission's fiscal year 2010 budget is scheduled for consideration by a joint meeting of the City's Budget Committee and City Council on April 30 at 4:00 pm. She advised that the Mayor's recommended budget does not propose any cuts to the Commission's current staffing level. She noted that the budget hearing schedule may change.

Director Fulhorst presented Senior Investigator Lauri Davis with an award for her 20 years of service to the City of San Diego and commended her on her outstanding service to the City and the Ethics Commission.

Item-7: General Counsel Comment

None

Item-8: Release of Investigative Files – Ad Hoc Committee

Chairman Cabrera advised that he would be appointing an ad hoc committee to review possible actions regarding release of investigative files to other enforcement agencies. He noted that he as well as Commissioners Valdez and Fuller would serve on the committee

Item-9: Interpretation of Election Campaign Control Ordinance

Director Fulhorst presented the staff report regarding the application of the pre-election fundraising time limit to exploratory activities. She advised that the State's Fair Political Practices Commission does not consider exploratory activities to be reportable campaign expenditures. She commented that according to state law, these types of expenditures only become reportable after an individual makes a decision to become a candidate for elective office. She explained that the Commission's campaign laws do not indicate whether the 12 month pre-election time limit on fundraising is intended to apply to exploratory activities.

She pointed out that if it is ultimately decided that this provision does apply to exploratory activities, the staff will need to advise potential candidates that they can't declare their candidacies more than 12 months before a primary election. She added that when recommending the pre-election fundraising time limit to the City Council, the Commission indicated that the law would only prohibit fundraising, and not other types of campaigning.

She noted that the staff's view is that the pre-election fundraising time limit should not apply to exploratory activities.

Motion: Approve staff's approach regarding the application of pre-election fundraising time limits to exploratory activities

Moved/Seconded: Biddle/Leonard

Vote: Carried Unanimously

Excused: Valdez/Fuller

Item-10: Adjournment to Closed Session

Chairman Cabrera adjourned the meeting to Closed Session at approximately 5:20 p.m. He stated the Commission would reconvene into Open Session following the conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

Reconvene to Open Session

Chairman Cabrera called the meeting back into open session at approximately 6:40 p.m.

Reporting Results of Closed Session Meeting of April 9, 2009

Chairman Cabrera reported the results of the Closed Session Meeting of April 9, 2009.

Item-1: Conference with Legal Counsel (38 potential matters)

Cases 2009 -07 through 2009-34 – In Re: Alleged Failure to Timely File Lobbying Quarterly Disclosure Reports

Motion: Initiate Investigations

Vote: Carried Unanimously

Excused: Valdez/Fuller

Case No. 2009-36 – In Re: Alleged Failure to Timely file Campaign Statements

Motion: Initiate Investigation

Vote: Carried Unanimously

Excused: Valdez/Fuller

Case No. 2009-37 – In Re: Alleged Failure to Timely file Campaign Statements

Motion: Initiate Investigation

Vote: Carried Unanimously

Excused: Valdez/Fuller

Case No. 2009-38 – In Re: Alleged Failure to Timely file Campaign Statements

Motion: Initiate Investigation

Vote: Carried Unanimously

Excused: Valdez/Fuller

Case No. 2009-41 – In Re: Alleged Failure to Properly Disclose Information on Lobbying Disclosure Report

Motion: Initiate Investigation

Vote: Carried Unanimously

Recused: Westfall

Excused: Valdez/Fuller

Cases Nos. 2009-39, 2009-40, 2009-42 through 2009-44 – In Re: Alleged Failure to Properly Disclose Information on Lobbying Disclosure Report

Motion: Initiate Investigation

Vote: Carried Unanimously

Excused: Valdez/Fuller

Item 2: Conference with Legal Counsel (6 potential matters)

Case No. 2008-54 – In Re: Alleged Failure to Disclose Economic Interests and Alleged Participation in Municipal Decisions Affecting Economic Interests

No Reportable Action

Case Nos. 2008-55, 2008-79 – In Re: Alleged Misuse of Position by City Official

No Reportable Action

Case No. 2008-65 – In Re: Arturo Castro - Alleged Failure to Properly Report Economic Interests

Motion: Reopen Investigation

Vote: Carried Unanimously

Excused: Valdez/Fuller

Motion: Approve Amended Stipulation

Vote: Carried Unanimously

Excused: Valdez/Fuller

Case No. 2008-75 – In Re: Alleged Failure to Disclose Contributions and Expenditures

No Reportable Action

Case No. 2008-76 – In Re: Alleged Failure to Include “Paid for By” Disclosure on Mass Campaign Literature

Motion: Dismiss

Vote: Carried Unanimously

Excused: Valdez/Fuller

Item 3: Conference with Legal Counsel (1 potential matter)

Case No. 2008-59 – In Re: Cornerstone Strategies Alleged Failure to Timely File Lobbying Reports

No Reportable Action

Item 4: Conference with Legal Counsel (1 potential matter)

Luis Aclé v. City of San Diego Ethics Commission, San Diego Superior Court Case No. 37-2008-00094460-CU-WM-CTL)

No Reportable Action

Adjournment

The meeting adjourned at approximately 6:45 p.m.

Guillermo Cabrera, Commission Chair
Ethics Commission

Katherine Hunt, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.