



**Minutes for Meeting of  
Thursday, January 21, 2010**

**Item-1: Call to Order**

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

**Item-2: Roll Call**

Present – Chairman Richard Valdez, Commissioners Lee Biddle, Guillermo Cabrera, Clyde Fuller, Dorothy Leonard and Larry Westfall

Staff – Executive Director Stacey Fulhorst, General Counsel Alison Adema, Program Manager Steve Ross, Senior Investigator Lauri Davis, Investigator Kacy Green, Auditor Rosalba Gomez, and Executive Secretary Kathy Hunt

**Item-3: Approval of Commission Minutes**

**Approval of Ethics Commission Minutes of December 10, 2009**

Motion: Approve

Moved/Seconded: Fuller/Leonard

Vote: Carried Unanimously

**Item-4: Non-Agenda Public Comment**

Chairman Valdez noted that Jacob Pyle and Drew McGuire submitted speaker slips requesting to speak on a matter concerning the *San Diego Safe Beaches Coalition*, and that Mr. McGuire asked if he could donate his time to Mr. Pyle. He stated that the Commission generally does not allow speakers to donate their time to another speaker, but that he would permit it in this instance because Mr. McGuire was planning to simply read the second half of prepared remarks after Mr. Pyle completed reading the first half.

Jacob Pyle commented that he is the former volunteer assistant treasurer for the *San Diego Safe Beaches Coalition* and is currently named as a respondent in an

Ethics Commission investigation of the committee. He requested that the Commission schedule the probable cause hearing in this matter as far as possible after February 23, to allow him time to prepare after taking the California Bar Exam. In addition, he requested that the Commission modify stipulations in two other enforcement matters by removing references to him personally and to the *San Diego Safe Beaches Coalition*.

Chairman Valdez clarified that the Commission would not be addressing his comments because the Commission's policy doesn't allow discussion of pending investigations.

Robert Rynearson representing the organization FreePB.org, asked the Commission to modify stipulations in two other enforcement matters by removing references to him personally and to FreePB.org.

**Item-5: Commissioner Comment**

Commissioner Cabrera announced that he is resigning from the Commission effective at the end of the March 11, 2010, Commission meeting. He noted that due to the City Council's inability to appoint or re-appoint commissioners, four of the current Commissioners are serving on expired terms. He hopes that his resignation will clear the way for appointments. He noted that his resignation letter to the Mayor includes recommended changes to the appointment process for the Ethics Commission.

**Item-6: Executive Director Comment**

None

**Item-7: General Counsel Comment**

None

**Item-8: Presentation of Final Audit Report Regarding the Jan Goldsmith for City Attorney Committee**

Commission Auditor Rosalba Gomez presented the Final Audit Report and advised that there were no material findings.

Motion: Accept Report  
Moved/Seconded: Cabrera/Leonard  
Vote: Carried Unanimously

**Item-9: Adjournment to Closed Session**

Chairman Valdez 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 Valdez called the meeting back into open session at 6:05 p.m.

## **Reporting Results of Closed Session Meeting of January 21, 2010**

Chairman Valdez reported the results of the Closed Session Meeting of January 21, 2010.

**Item-1: Conference with Legal Counsel** (1 potential matter)

**Case No. 2010-01- In Re: - Alleged Misuse of City Position**

Motion: Dismiss

Vote: Carried Unanimously

**Item-2: Conference with Legal Counsel** (8 potential matters)

**Case No. 2008-64 – In Re: Safe Beaches Coalition – Alleged Failure to File Campaign Statements**

Motion: Ordered a Probable Cause Hearing and Authorized the issuance of a Probable Cause Report and Draft Administrative Complaint. Hearing scheduled for April 16, 2010, at 9:30 a.m.

Vote: Carried Unanimously

**Case No. 2008-71 – In Re: - Alleged Failure to File Campaign Statements**

No Reportable Action

**Case No. 2009-48– In Re: - Alleged Failure to File Campaign Statements**

No Reportable Action

**Case No. 2009-96 – In Re: Alleged Failure to Disclose Economic Interests**

Motion: Dismiss

Vote: Carried Unanimously

**Case No. 2009-97 – In Re: Alleged Acceptance of Contributions in Violation of Contribution Limit and Source Restrictions**

Motion: Dismiss

Vote: Carried Unanimously

**Case No. 2009-98 – In Re: Todd Cardiff – Alleged Failure to Timely File Lobbying Disclosure Report**

Motion: Ordered a Probable Cause Hearing and Authorized the issuance of a Probable Cause Report and Draft Administrative Complaint. Hearing scheduled for

April 16, 2010, at 9:00 a.m.

Vote: Carried Unanimously

**Case No. 2009-99 – In Re: AECOM - Alleged Failure to Timely File Lobbying Disclosure Report**

Motion: Approve Stipulation

Vote: Carried Unanimously

**Case No. 2009-100 – In Re: Gerding Edlen - Alleged Failure to Timely File Lobbying Disclosure Report**

Motion: Approve Stipulation

Vote: Carried Unanimously

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

**Case No. 2008-54 – In Re: Nancy Graham - Alleged Participation in Municipal Decisions Involving Economic Interests**

No Reportable Action

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

**Case No. 2008-73 – In Re: Marti Emerald - Alleged Failure to Disclose Accrued Expenses**

No Reportable Action

**Item 5: Conference with Legal Counsel** (1 potential matter)

Luis Acle 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 6:10 p.m.

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Richard Valdez, Commission Chair  
Ethics Commission

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Katherine Hunt, Executive Secretary  
Ethics Commission

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