



**Minutes for Meeting of  
Thursday, May 13, 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, Dorothy Leonard , John O’Neill, Larry Westfall, and Bud Wetzler

Staff – Executive Director Stacey Fulhorst, General Counsel Alison Adema, Program Manager Steve Ross, and Executive Secretary Kathy Hunt

Excused – Commissioner Clyde Fuller

**Item-3: Swearing-in of New Commissioners**

City Clerk Elizabeth Maland administered the oath of office to appointed Commissioners Bud Wetzler and John O’Neill and reappointed Commissioner Lee Biddle.

**Item-4: Approval of Commission Minutes**

**Approval of Ethics Commission Minutes of April 8, 2010**

Motion: Approve

Moved/Seconded: Leonard/Biddle

Vote: Carried Unanimously

Excused: Fuller

Abstained: Wetzler, O’Neill

## **Approval of Ethics Commission Minutes of April 29, 2010**

Motion: Approve  
Moved/Seconded: Westfall/Leonard  
Vote: Carried Unanimously  
Excused: Fuller  
Abstained: Wetzler, O'Neill

### **Item-5: Non-Agenda Public Comment**

Robert Rynearson with Free PB.org commented that he was a respondent in an eight month Ethics Commission investigation in which no charges were ever filed. He expressed his opinion that the Commission's investigative process needs to be fixed. He referred to his effort to meet with Chairman Valdez to discuss his complaints concerning the Commission staff and to find out why Chairman Valdez authorized an unnecessary subpoena.

Commissioner Westfall commented that Mr. Rynearson's criticism of Chairman Valdez should include him since he also voted with Chairman Valdez to authorize the subpoena and authorize the investigation.

### **Item-6: Executive Director Comment**

Director Fulhorst welcomed new Commission members John O'Neill and Bud Wetzler.

She noted that this is the last Commission meeting for Commissioner Dorothy Leonard and Commission Chair Richard Valdez. She commented that Commissioner Leonard served on the Commission for over nine years and stayed on the Commission a year past the end of her second term. She thanked Commissioner Leonard for her service and valuable contributions to the Commission.

Director Fulhorst noted that Commission Chair Richard Valdez had announced his resignation from the Commission at a previous meeting. She thanked him for his service and valuable contributions to the Commission and presented him with a plaque.

### **Item-7: Commissioner Comment**

Chairman Valdez commented on Commissioner Leonard's service and thanked her for her patience and willingness to continue to serve past her term.

Commissioner Westfall noted that Commissioner Leonard will be missed.

Commissioner Biddle added his thanks for Commissioner Leonard's service and commented that Commissioner Leonard's volunteer activities extend beyond the Ethics Commission and noted her work with the Mission Trails Regional Park.

Commissioner Leonard commented on her ten years of service with the Ethics Commission. She noted that she has enjoyed working with all the Commission members who served with her and welcomed the new Commission members. She pointed out that the past year has been cantankerous for the Commission, and stated that people who have criticized the Commission staff were essentially criticizing the Commissioners. She encouraged the new commissioners to disregard any efforts to intimidate them.

Chairman Valdez commented on his decision to resign from the Commission and noted that it had been a challenging year to be the Commission Chair. He indicated that there were several factors that led to his decision to leave early, in particular the amount of time required. He noted the Commission's accomplishments during his term, in particular the two administrative hearings held by the Commission. He commented that serving on the Commission taught him how to collaborate and pointed out that although the members have varied political backgrounds, any differences between them never prevented them from arriving at well-reasoned decisions. He also expressed his view that the Commission staff is professional, hardworking, and very competent, and he noted that he disagrees with the recent criticism concerning the conduct of the staff. He thanked them and the other Commission members and commented that it had been an honor to serve with them.

Commissioners Westfall and Biddle commented on the valuable contributions made by Commissioner Valdez as a Commissioner and as the Commission Chair.

**Item-8: General Counsel Comment**

Alison Adema expressed her appreciation of the departing Commissioners' service to the Ethics Commission.

**Item-9: Presentation of Final Audit Report of the Committee to Elect Marshall Merrifield**

Director Fulhorst noted there were no material findings and indicated that she would answer any questions regarding the reports.

Motion: Accept Report  
Moved/Seconded: Westfall/Leonard  
Vote: Carried Unanimously  
Excused: Fuller

**Item-10: Presentation of Final Audit Report of Scott Peters for City Attorney Committee**

Motion: Accept Report  
Moved/Seconded: O'Neill/Westfall  
Vote: Carried Unanimously  
Excused: Fuller

**Item-11: Appointment of Ad Hoc Committee to Nominate Commission Officers at June 10, 2010, Commission Meeting**

Chairman Valdez reported that Commissioners Biddle and Wetzler will serve on an Ad Hoc Committee to nominate new Commission officers at the June meeting.

**Item-12: Administrative Hearing: In re: the Matter of Nancy Graham (Case No. 2008-54); Bifurcated Legal Issues**

The parties involved were permitted time for oral argument, following which the Commission made its determination by the following motion:

Motion: That for purposes of this action, the Commission has determined that the affiliated entity rules of the Fair Political Practices Commission apply to the San Diego Ethics Ordinance.

Moved/Seconded: Leonard/ Wetzler

Vote: Carried Unanimously

Excused: Fuller

**Item-13: Adjournment to Closed Session**

Chairman Valdez adjourned the meeting to Closed Session at approximately 7:05 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 approximately 7:15 p.m.

**Reporting Results of Closed Session Meeting of May 13, 2010**

Chairman Valdez reported the results of the Closed Session Meeting of May 13, 2010.

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

**Case No. 2010-11 - In Re: - : Alleged Failure to File Campaign Statement and Failure to Disclose "Paid for by" on campaign literature**

Motion: Initiate Investigation

Vote: Carried Unanimously

Excused: Fuller

**Item-2: Conference with Legal Counsel** (1 potential matter)

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

Motion: Approve Stipulation

Vote: Carried Unanimously

Excused: Fuller

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

One item withdrawn

### **Adjournment**

The meeting adjourned at approximately 7:20 p.m.

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Clyde Fuller, Vice- Chair  
Ethics Commission

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Katherine Hunt, Executive Secretary  
Ethics Commission

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