



**Minutes for Meeting of
Thursday, March 10, 2011**

Item-1: Call to Order

Commission Chair Westfall called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Commission Chair Larry Westfall, Vice-Chair Lee Biddle, Commissioners Faye Detsky-Weil, William Howatt, John O’Neill and Bud Wetzler

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

Excused – Commissioner Fuller

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of February 10, 2011

Motion: Approve minutes with a correction to replace the word “several” with “two” on Page 2, Item 5

Moved/Seconded: Howatt/O’Neill

Vote: Carried Unanimously

Excused: Fuller

Item-4: Non-Agenda Public Comment

Dennis Boisvert commented on various issues associated with medical marijuana.

Adela Falk commented on issues associated with medical marijuana and difficulties she has experienced with the City’s regulatory process.

Item-5: Commissioner Comment

None

Item-6: Executive Director Comment

Director Fulhorst provided the following information:

- She is scheduled to address the California Political Treasurers' Association at its annual meeting this month and plans to encourage treasurers to work for San Diego candidates.
- She reminded the Commissioners that their annual Statements of Economic Interests need to be filed with the City Clerk's Office by April 1, 2011.

Item-7: General Counsel Comment

None

Item-8: Application of Pre-Election Fundraising Time Constraints to 2012 Primary Election

Director Fulhorst reported that there have not been any substantive developments with respect to the state changing the date of the 2012 primary election. She explained that a Senate bill has been introduced that would essentially eliminate one comma in the existing law, and that it is her understanding that the bill was introduced to initiate a discussion concerning the primary election date. Neither the Assembly bill nor the Senate bill has been docketed for committee consideration. She will report back to the Commission in April regarding any developments.

Item-9: Staff Report Concerning Lobbying Activity in 2009 and 2010

Director Fulhorst reported on a summary of lobbying activities disclosed by lobbying firms and organization lobbyists in 2009 and 2010. She noted that the report demonstrates that the new lobbying laws that were enacted in 2008 are working well, with many more lobbyists registering. She pointed out that, under the former laws, many lobbyists were not captured by the registration thresholds and did not have to register. In addition, she pointed out that more information is being disclosed by lobbyists concerning lobbying and campaign activities, resulting in increased transparency. Finally, she noted that the increased levels of disclosure have not resulted in voluminous disclosure reports.

Commissioner Westfall noticed that the fundraising activity disclosed by lobbyists was higher in 2010 than 2009. He commented that the total amount reportedly fundraised by lobbyists in 2010 did not seem very high, and he asked if the staff currently audits the lobbying disclosure reports.

Director Fulhorst responded that currently the Audit Manual provides only for the lobbying of lobbyist activity expenses, which has become moot in light of the new \$10 monthly gift limit. She explained that auditing of fundraising activity would not be feasible because campaigns are not required to track or report fundraising activity. Therefore, an investigation would be required in order to verify fundraising information disclosed by lobbyists.

Commissioner Biddle indicated that, in his experience, people are not inclined to downplay their fundraising efforts for candidates. He added that such activities can be difficult to track from a candidate's perspective.

Commissioner Howatt commented that the summary of activity was well done and asked whether there had been any questions from the media regarding the report. Director Fulhorst responded that she had not yet received any such inquiries.

Commissioner O'Neill asked whether staff had received any feedback or complaints from lobbyists regarding difficulties complying with the disclosure requirements. Director Fulhorst explained that staff did receive complaints during 2008 after the new laws went into effect, but the Commission addressed these complaints with a series of amendments that went into effect on January 1, 2010. Since that time, she reported that the staff has received nothing but positive feedback from lobbyists.

Motion: Accept Report
Moved/Seconded: Biddle/Howatt
Vote: Carried Unanimously
Excused: Fuller

Item-10: Adjournment to Closed Session

Commission Chair Westfall adjourned the meeting to Closed Session at approximately 5:25 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

Commission Chair Westfall called the meeting back into open session at approximately 6:40 p.m.

Reporting Results of Closed Session Meeting of March 10, 2011

Ms. Cameron reported the results of the Closed Session Meeting of March 10, 2011.

Item-1: Conference with Legal Counsel (8 potential matters)

Case No. 2011-14- In Re: Alleged Failure to File Campaign Statement

Motion: Initiate Investigation
Vote: Carried Unanimously
Excused: Fuller

Case No. 2011-19 – In Re: Alleged Failure to Timely Amend Lobbying Registration Form

Motion: Initiate Investigation
Vote: Carried Unanimously
Excused: Fuller

Case Nos. 2011-18, 2011-20 through 2011-22, 2011-24 – In Re: Alleged Failure to Timely Amend Lobbying Registration Form

Motion: Dismiss
Vote: Carried Unanimously
Excused: Fuller

Case No. 2011-23 - In Re: Alleged Failure to Timely Amend Lobbying Registration Form

Motion: Dismiss
Vote: Carried Unanimously
Recused: O'Neill
Excused: Fuller

Item-2: Conference with Legal Counsel (14 Potential Matters)

Case No. 2010-88 – In Re: Alleged Failure to File Campaign Statements and to Include “Paid for By” Disclosure

No Reportable Action

Case Nos. 2010-93 through 2010-104 – In Re: Alleged Failure to Timely File Statements of Economic Interests

Motion: Dismiss
Vote: Carried Unanimously
Excused: Fuller

Case No. 2011-01 – In Re: Alleged Failure to Timely File Lobbying Quarterly Disclosure Report

Motion: Dismiss
Vote: Carried Unanimously
Excused: Fuller

Item-3: Conference with Legal Counsel (1 Potential Matter)

Case Nos. 2011-16 and 2011-17 – In Re: Alleged Acceptance of Unlawful Campaign Contributions and Misuse of City Resources for Campaign Purposes

Motion: Accept Report
Vote: Carried Unanimously
Recused: O'Neill
Excused: Fuller

Motion: Initiate Investigation
Vote: Carried Unanimously
Recused: O'Neill
Excused: Fuller

Adjournment

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

Larry Westfall , Commission Chair
Ethics Commission

Katherine Hunt, Executive Secretary
Ethics Commission

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