



**Minutes for Meeting of  
Thursday, July 14, 2011**

**Item 1: Call to Order**

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

**Item 2: Roll Call**

Present – Commission Chair Clyde Fuller, Commissioners Faye Detsky-Weil, Larry Westfall, John O’Neill (until 5:30 p.m.), Lee Biddle, and Bud Wetzler  
Excused: Vice-Chair William Howatt

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

**Item 3: Approval of Commission Minutes**

**Approval of Ethics Commission Minutes of June 9, 2011**

Motion: Approve with modification  
Moved/Seconded: O’Neill/Detsky-Weil  
Vote: Carried Unanimously  
Excused: Howatt  
Abstained: Biddle

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

None

**Item 5: Commissioner Comment**

None

**Item 6: Executive Director Comment**

Director Fulhorst reported on the following matters:

- Director Fulhorst reminded the Commissioners that the City Attorney recently opined that Commissioner Westfall was not eligible to serve another four year term because he has already served seven and a half years and there is a Council Policy which states that no Commissioner shall serve more than eight years. She reported that, after conferring with the Chair, she asked the City Attorney's Office whether their opinion would change if a Commissioner had served for five years – one year of a remaining term followed by one full term. In addition, she has learned that some amendments to the Council Policy will be considered by the City Council Rules Committee in the near future, and noted that this may be an opportunity time to ask the Councilmembers if they would like to incorporate any changes to address the eight-year term issue. She added that she will keep the Commission updated via email when she receives a response from the City Attorney's Office and when the Rules Committee presentation is scheduled.
- She reported a positive development in this years' filing of Statements of Economic Interest. Each year, the Commission initiates enforcement actions associated with ten to thirty City Officials who have failed to timely file their annual disclosure forms despite repeated reminders from the City Clerk. The City Clerk has recently implemented a system in which every department has a liaison, and they work closely with each liaison to facilitate timely file of disclosure forms. As a result, this year there are only five late filers. The City Clerk's Office is currently communicating with these officials to encourage them to file their disclosure forms.
- The Ethics Commission had its first Candidate Training for the 2012 election cycle on Friday July 8, 2011. Director Fulhorst noted that several additional training sessions will be held before the June primary election. She added that the goal of the trainings is to explain the basics of the City's campaign laws so that all candidates, including those running grassroots campaigns, understand and comply with the rules. The next training will be held in the month October.
  - Commissioner O'Neill asked whether the trainings cover the same material.
  - Director Fulhorst explained that essentially the trainings cover the same material; however, as the campaign season progresses, the candidates become more sophisticated and tend to have more questions.

- With respect to Commissioner Westfall's position, Director Fulhorst reported that the Mayor's Board and Commission liaison has received several nominations, but the Mayor has not yet made an appointment. She added that she will keep the Commission posted on any new developments.

**Item 7: General Counsel Comment**

Ms. Cameron had no report for this month but is planning to give a detailed presentation next month concerning the history and status of the *Thalheimer* litigation.

**Items 8 & 9: Presentation of Final Audit Reports Regarding the Save Mission Bay – Yes on C Committee and Gentry for City Attorney Committee.**

Motion: Accept the Final Audit Reports  
Vote: Carried Unanimously  
Excused: Howatt

**Item 10: Rules and Requirements for Probable Cause and Administrative Hearings.**

Presentation by Outside Counsel Lisa Foster regarding various rules and requirements associated with Probable Cause Hearings and Administrative Hearings. Ms. Foster addressed the information provided in her handout with emphasis on the differences between civil litigation and administrative procedures.

Note: Commissioner O'Neill departed at 5:30 p.m.

**Item 11: Adjourn to Closed Session.**

Commission Chair Fuller Adjourned the meeting to Closed Session at approximately 5:30 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 Fuller called the meeting back into open session at approximately 6:30 p.m.

**Reporting Results of Closed Session Meeting of July 14, 2011**

Ms. Cameron reported the results of the Closed Session Meeting of July 14, 2011:

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

**Case No. 2011-34 - In Re: Alleged Violation of Vendor Debt Laws and Acceptance of Contribution from Organization**

Motion: Initiate Investigation  
Vote: Carried Unanimously  
Excused: Howatt/O'Neill

**Item-2: Conference with Legal Counsel** (10 potential matters)

**Case No. 2011-13 In Re: Alleged Participation in Decision Involving Future Employer and Alleged Financial Interest in Contract**

Motion: Dismiss  
Vote: Carried Unanimously  
Excused: Howatt/O'Neill

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

Motion: Dismiss  
Vote: Approved 4/1 with Westfall voting Nay  
Excused: Howatt/O'Neill

**Case Nos. 2011-27, 2011-29, 2011-49, 2011-51, and 2011-52 In Re: Alleged Failure to Timely File Lobbying Disclosure Report**

Motion: Dismiss  
Vote: Carried Unanimously  
Excused: Howatt/O'Neill

**Case No. 2011-50 In Re: Alleged Failure to Timely File Lobbying Disclosure Report**

No Reportable Action

**Case No. 2011-33 In Re: Bob Ilko - Alleged Failure to Disclose Campaign Activities and Retain Campaign Records**

Motion: Accept Final Audit Report and Approve Stipulation  
Vote: Carried Unanimously  
Excused: Howatt/O'Neill

**Case No. 2011-53 In Re: Alleged Violation of Fundraising Time Limits**

Motion: Dismiss  
Vote: Carried Unanimously  
Excused: Howatt/O'Neill

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

**Staff:** Outside Counsel Lisa Foster

**Case No. 2010-42 – In Re: B.D. Howard – Alleged Failure to Timely File Campaign Statements, Disclose Campaign Expenditures, and Retain Campaign Records**

Motion: Order a Probable Cause Hearing and Authorize the issuance of a Probable Cause Report and Draft Administrative Complaint

Vote: Carried Unanimously

Excused: Howatt /O'Neill

Motion: Schedule Probable Cause Hearing for October 13, 2011, at 2:00 p.m.

Vote: Carried Unanimously

Excused: Howatt /O'Neill

Motion: Find Good Cause to Extend Ninety Day Period (SDMC § 26.0430) by One Day

Vote: Carried Unanimously

Excused: Howatt /O'Neill

Motion: Appoint Commissioners Fuller, Wetzler, Detsky-Weil to serve as Presiding Authority and Stacey Fulhorst to serve as Petitioner

Vote: Carried Unanimously

Excused: Howatt /O'Neill

**Adjournment**

The meeting adjourned at approximately 6:30 p.m.

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Clyde Fuller, Commission Chair  
Ethics Commission

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AveMaria Perkins, Executive Secretary  
Ethics Commission

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