



**Minutes for Meeting of
Thursday, December 15, 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, Vice Chair William Howatt, Commissioners Lee Biddle, Deborah Cochran, Faye Detsky-Weil, John O’Neill, and Bud Wetzler

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

Item 3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of November 10, 2011

Motion:	Approve
Moved/Seconded:	O’Neill/Howatt
Vote:	Carried Unanimously
Abstained:	Biddle and Wetzler

Item 4: Non-Agenda Public Comment

None

Item 5: Commissioner Comment

None

Item 6: Executive Director Comment

Director Fulhorst advised the Commissioners that the Mayor's State of the City Address will take place on January 11, 2012, at 6:00 p.m. at the Balboa Theater. She added that there is usually space reserved for members of the City's boards and commissions, and asked the Commissioners to notify her if they are interested in attending.

Item 7: General Counsel Comment

None

Item 8: Presentation of Final Audit Report Regarding the Faulconer for Council 2010 Committee.

Motion: Accept Final Audit Report
Moved/Seconded: Wetzler/O'Neill
Vote: Carried Unanimously

Item 9: Presentation of Final Audit Report Regarding the Lorie Zapf for City Council 2010 Committee.

Motion: Accept Final Audit Report
Moved/Seconded: O'Neill/Biddle
Vote: Carried Unanimously

Item 10: Request to Waive Enforcement of San Diego Municipal Code Sections 27.2916(c) and (d).

Director Fulhorst explained that the Commission received a request from the treasurer for the Bob Filner for Mayor 2012 committee that the Ethics Commission agree not to enforce the 30 day deposit and 35 day return requirements for 9 contribution checks totaling \$6,020 received by the committee's former treasurer Kinde Durkee, who was arrested in September of 2011 on embezzlement charges. According to the written request from Nancy Warren, the committee's new treasurer, the contribution checks were included in 17 boxes of documentation they received on November 28, 2011. Ms. Warren has asked the Commission to agree that the Filner committee may have 30 days from November 28, 2011, to obtain missing contributor information and deposit the contributions into the committee bank account.

Ms. Fulhorst explained that the FPPC has held several interested persons meetings to identify and resolve a variety of issues related to the arrest of Ms. Durkee and the resultant difficulties encountered by committees with respect to compliance with various campaign laws. Although she does not believe the FPPC has addressed the laws governing the timeframe of contribution deposits, she stated she is confident the FPPC would grant a waiver or extension of the time period if it were asked.

Motion: Waive application of SDMC sections 27.2916(c) and (d) for a period of 30 days beginning November 28, 2011
Moved/Seconded: O'Neill/Detsky-Weil
Vote: Carried Unanimously

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 December 15, 2011

Ms. Cameron reported the results of the closed session meeting of December 15, 2011:

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

Case No. 2011-80 - In Re: Alleged Gift by Lobbyist to City Official in Excess of Limit

Motion: Dismiss
Moved/Seconded: Howatt/Biddle
Vote: Approved 6/1 with Detsky-Weil voting nay

Item-2: Conference with Legal Counsel (5 potential matters)

Case No. 2011-60 – In Re: Yes on Propositions A, B & C Committee and William Baber – Alleged Failure to Properly File Campaign Statements and Alleged Failure to Include Proper Disclosure on Campaign Advertisements

Motion: Approve Stipulation
Moved/Seconded: O'Neill/Howatt
Vote: Carried Unanimously

Case No. 2011-63 - In Re: Alleged Failure to Timely File Lobbyist Quarterly Disclosure Report

Motion: Dismiss
Moved/Seconded: Cochran/O'Neill
Vote: Carried Unanimously

Case No. 2011-64 - In Re: M.W. Steel Group - Alleged Failure to Timely File Lobbyist Quarterly Disclosure Report

Motion: Approve Stipulation
Moved/Seconded: Howatt/O'Neill
Vote: Carried Unanimously

Case No. 2011-65 - In Re: San Diego Association of Realtors - Alleged Failure to Timely File Lobbyist Quarterly Disclosure Report

Motion: Approve Stipulation
Moved/Seconded: Detsky-Weil/Biddle
Vote: Carried Unanimously

Case No. 2011-76 - In Re: Alleged Failure to Disclose Economic Interests

No reportable action

Case No. 2011-79 - In Re: Alleged Failure to Include Proper Disclosure on Campaign Advertisements

Motion: Dismiss
Moved/Seconded: O'Neill/Biddle
Vote: Carried Unanimously

Item-3: Personnel Matter – Evaluation of Performance

No Reportable Action

Adjournment

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

William Howatt, Jr., Commission Vice-Chair
Ethics Commission

Stacey Fulhorst, Executive Director
Ethics Commission

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