



**Minutes for Meeting of
Thursday, January 12, 2012**

Item 1: Call to Order

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

Item 2: Roll Call

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

Excused – Commission Chair Clyde Fuller

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 December 15, 2011

Motion: Approve
Moved/Seconded: O’Neill/Detsky-Weil
Vote: Carried Unanimously
Excused: Fuller

Item 4: Non-Agenda Public Comment

None

Item 5: Commissioner Comment

None

Item 6: Executive Director Comment

Director Fulhorst reported on several staffing issues. First, she explained that she had previously considered hiring an unpaid intern from one of the local colleges to assist with the compilation of campaign data summaries associated with the June 2012 primary election; however, after conferring with Lauri Davis and Rosie Gomez, it was agreed that the work would be difficult for an inexperienced intern and that it was preferable to have existing staff compile the data in order to ensure its accuracy.

Second, Ms. Fulhorst reported that the Personnel Department officially opened the Administrative Aide position on Friday, January 6. By Monday, January 9, Personnel had received 103 applications, and by Tuesday, January 10, they had received 145 applications. Director Fulhorst indicated that, although it will be labor-intensive to review and evaluate all the applications, she is hopeful that the effort will net some highly-qualified candidates.

Item 7: General Counsel Comment

Ms. Cameron advised that the United States District Court heard oral arguments on cross motions for summary judgment filed by the parties in the *Thalheimer* litigation last Friday. She explained that the District Court previously ruled on Plaintiffs' preliminary injunction, and this ruling was appealed to and affirmed by the Ninth District Court of Appeals. The case was then returned to the District Court for final disposition because the earlier ruling was only preliminary in nature.

Ms. Cameron explained that the rulings by the Ninth Circuit are binding on the District Court with respect to its final rulings, and as a result it is very likely that the District Court's rulings on the summary judgment motions will mirror the Court's earlier decisions on the preliminary injunction. She explained that there is one issue that was not resolved by the Ninth Circuit: the \$1,000 contribution limit for political parties to City candidates. She reported that the Plaintiffs argued that this limit is too low, and the City's attorneys maintained that political parties have ample opportunity to participate in San Diego elections through member communications and independent expenditures. She added that the Court expects to issue a ruling within two weeks.

Ms. Fulhorst advised the Commission that staff will not be preparing draft amendments to the Municipal Code to correspond to the upcoming ruling until the case has made its way through the appellate process.

Item 8: Adjourn to Closed Session.

Commission Vice Chair Howatt 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

Commission Vice Chair Howatt called the meeting back into open session at approximately 6:25 p.m.

Reporting Results of Closed Session Meeting of January 12, 2012

Ms. Cameron reported the results of the closed session meeting of January 12, 2012:

Item-1: Conference with Legal Counsel (5 potential matters)

Case Nos. 2012-01 through 2001-04 - In Re: Alleged Failure to Timely File Lobbyist Disclosure Report

Motion:	Initiate Investigation
Moved/Seconded:	O'Neill/Detsky-Weil
Vote:	Carried Unanimously
Excused:	Fuller

Case No. 2012-05 - In Re: Alleged Failure to Timely Amend Lobbyist Registration

Motion:	Initiate Investigation
Moved/Seconded:	O'Neill/Wetzler
Vote:	Carried Unanimously
Excused:	Fuller

Item-2: Conference with Legal Counsel (6 potential matters)

NOTE: Outside Counsel Lisa Foster replaced Christina Cameron as the Commission's legal counsel for Case Nos. 2008-79, and 2011-73 through 2011-75

Case No. 2008-79 - In Re: Alleged Misuse of City Position

No reportable action

Case No. 2011-62 - In Re: Alleged Acceptance of Contribution in Excess of Limit and Contribution from Organization

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

Case No. 2011-67 - In Re: Alleged Failure to Include Proper Disclosure on Campaign Advertisements

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

Case Nos. 2011-73 and 2011-75 - In Re: Alleged Failure to Disclose Economic Interests

Motion: Dismiss
Moved/Seconded: O'Neill/Detsky-Weil
Vote: Carried Unanimously
Excused: Fuller

Case No. 2011-74 - In Re: Alleged Failure to Disclose Economic Interests

Motion: Dismiss
Moved/Seconded: Biddle/Wetzler
Vote: Carried Unanimously
Excused: Fuller
Recused: O'Neill

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

San Diego Ethics Commission Audit Report: Yes on Propositions A, B & C Committee

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

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

Staff: Outside Counsel Lisa Foster

Case No. 2010-42 - In Re: B.D. Howard

Motion: Appoint Executive Director Stacey Fulhorst to serve as the Petitioner
Moved/Seconded: O'Neill/Detsky-Weil
Vote: Carried unanimously
Excused: Fuller

Motion: Appoint an administrative law judge provided by the California Office of Administrative Hearings to serve as the Presiding Authority at the Administrative Hearing.
Moved/Seconded: Wetzler/Detsky-Weil
Vote: Carried unanimously
Excused: Fuller

Item 5: Personnel Matter – Evaluation of Performance

Item withdrawn

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.