

**SAN DIEGO ETHICS COMMISSION REVIEW OF THE CITY'S
Enforcement Procedures**

PROPOSED AMENDMENTS

Rev. September 22, 2010

**Chapter 2: Government
Article 6: Boards and Commissions
Division 4: Ethics Commission**

§26.0402 Definitions

Each word or phrase that is defined in this Division appears in the text of this Division in italicized letters. For purposes of this Division, the following definitions shall apply:

Administrative Enforcement Order to Preliminary Review [no change in text]

Presiding Authority means either one *Commissioner*, the full *Commission*, an ad hoc subcommittee of three *Commissioners*, ~~or~~ someone selected by the *Commission* from a list of pre-qualified individuals, or an administrative law judge, to conduct the *Probable Cause Hearing* or the *Administrative Hearing*.

Presiding Authority's Recommendation to Subpoena duces tecum [no change in text]

§26.0435 Preparation for Administrative Hearing

- (a) [no change in text]
- (b) As soon as practicable, but no later than thirty calendar days after ordering that a public *Administrative Hearing* be conducted, the *Commission* shall take the following action:
 - (1) Appoint a *Petitioner* to prepare and present the case against the *Respondent* to be heard at the *Administrative Hearing*. The *Executive Director* shall serve as the *Petitioner* unless the *Commission*, at its discretion, selects someone else from a list of pre-qualified individuals retained to serve as *Petitioners*.
 - (2) Appoint a *Presiding Authority* to conduct the *Administrative Hearing*. At the discretion of the *Commission*, the *Presiding Authority* shall be one of the following:
 - (A) The entire *Commission* sitting as a hearing panel; or

(B) An ad hoc subcommittee composed of three Commissioners; or

(C) A hearing officer who is either an administrative law judge provided by the California Office of Administrative Hearings, or an ~~An~~ individual selected from a list of volunteers who have been pre-qualified to meet or exceed minimum qualification criteria for training and experience as established by the *Commission*.

(c) – (h) [no change in text]