

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

**PROPOSED AMENDMENTS**

Rev. February 8, 2011

**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* means a written report prepared by the individual, administrative law judge, or ad hoc subcommittee conducting the *Administrative Hearing* that contains findings of fact, a summary of the evidence supporting each finding, a preliminary determination of whether or not the *Respondent* violated *Governmental Ethics Laws*, findings to support the preliminary determination, and a recommended penalty for each violation.

*Probable Cause* through *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]