1	STACEY FULHORST, Executive Director City of San Diego Ethics Commission 1010 Second Avenue, Suite 1530 San Diego, CA 92101 Telephone: (619) 533-3476 Facsimile: (619) 533-3448	
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5	Petitioner	
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7	BEFORE THE CI	TY OF SAN DIEGO
8	ETHICS COMMISSION	
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10	In re the Matter of:	) Case No.: 2004-43
11	SAN DIEGO POLICE OFFICERS ASSOCIATION POLITICAL ACTION	STIPULATION, DECISION, AND ORDER
12	COMMITTEE, C. APRIL BOLING,	
13	Respondents.	) )
14	STIPU	LATION
15	THE PARTIES STIPULATE AS FOLLOWS:	
16	Petitioner Stacey Fulhorst is the Expression	xecutive Director of the City of San Diego Ethics
17	Commission [Ethics Commission]. The Ethics Commission	Commission is charged with a duty to administer,
18	implement, and enforce local governmental ethics laws contained in the San Diego Municipal	
19	Code [SDMC] relating to, among other things, the filing of campaign statements as required by	
20	the City's Election Campaign Control Ordinanc	e.
21	2. At all times mentioned herein, San	Diego Police Officers Association Political
22	Action Committee was a committee sponsored by the San Diego Police Officers Association	
23	[SDPOA], and registered with the State of California as a General Purpose Recipient Committee	
24	(Filer Identification No. 811267).	
25	3. At all times mentioned herein, C. A	April Boling [Treasurer] was the treasurer for the
26	San Diego Police Officers Association Political Action Committee.	
27	4. SDPOA and Treasurer are referred	d to herein collectively as "Respondents."

- 5. This Stipulation will be submitted for consideration by the Ethics Commission at its next scheduled meeting, and the agreements contained herein are contingent upon the approval of the Stipulation and the accompanying Decision and Order by the Ethics Commission.
- 6. This Stipulation resolves all factual and legal issues raised in this matter by the Ethics Commission without the necessity of holding an administrative hearing to determine Respondents' liability.
- 7. Respondents understand and knowingly and voluntarily waive any and all procedural rights under the SDMC, including, but not limited to, a determination of probable cause, the issuance and receipt of an administrative complaint, the right to appear personally in any administrative hearing held in this matter, the right to confront and cross-examine witnesses testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to have the Ethics Commission or an impartial hearing officer hear this matter.
- 8. Respondents acknowledge that this Stipulation is not binding upon any other law enforcement or government agency and does not preclude the Ethics Commission from referring this matter to, cooperating with, or assisting any other law enforcement or government agency with regard to this or any other related matter.
- 9. The parties agree that in the event the Ethics Commission refuses to accept this Stipulation, it shall become null and void. Respondents further agree that in the event the Ethics Commission rejects the Stipulation and a full evidentiary hearing before the Ethics Commission becomes necessary, no member of the Ethics Commission or its staff shall be disqualified because of prior consideration of this Stipulation.

## **Summary of Law and Facts**

- 10. As a General Purpose Recipient Committee, Respondent SDPOA is required to file campaign statements in accordance with state and local law.
- 11. SDMC section 27.2931 requires candidates and committees participating in City of San Diego elections to file campaign statements in the time and manner required by California Government Code sections 81000 *et seq*.

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- 12. According to Government Code section 82036.5, a late independent expenditure is any independent expenditure made during the sixteen days prior to an election in the aggregate amount of \$1,000 or more in support of, or opposition to, a candidate or measure.
- 13. Government Code section 84204 requires committees that make a late independent expenditure to file a Late Independent Expenditure Report [Form 496] within twenty-four hours of making the expenditure.
- 14. On February 20, 2004, eleven days before the March 2, 2004, primary election, Respondent SDPOA made late independent expenditures in support of Scott Peters, a candidate for the District 1 City Council seat. These expenditures consisted of \$14,365.95 for a campaign mailing and \$897.50 for signs.
- 15. Respondents did not file a Form 496 with the City Clerk on February 21, 2004, as required by state and local law. Instead, Respondents filed a Form 496 on February 22, 2004, disclosing expenditures of \$14,365.95 for a campaign mailing and \$597.50 for signs. Respondents' Form 496 did not identify the February 20, 2004, \$300 expenditure for signs supporting Scott Peters.
- 16. Respondents filed a Supplemental Independent Expenditure Report [Form 465] on July 21, 2004, disclosing all of the independent expenditures it made in support of Scott Peters from January 1, 2004, through June 30, 2004. This Form 465 included the \$300 expenditure for signs that was made on February 20, 2004. On August 31, 2004, Respondents filed an amended Form 496, which also included the \$300 expenditure for signs.

Counts

## **Count One - Violation of SDMC section 27.2931**

17. Respondents did not timely file a Form 496 in connection with the late independent expenditures made in support of Scott Peters. These expenditures were made on February 20, 2004, eleven days before the March 2, 2004, primary election. The Form 496 disclosing these expenditures was due on February 21, 2004. Respondents filed the Form 496 on February 22, 2004, one day after it was due.

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1	Count Two - Violation of SDMC section 27.2931	
2	18. Respondents did not timely disclose all of the independent expenditures made in	
3	support of Scott Peters on February 20, 2004. Respondents failed to disclose a \$300 expenditure	
4	for signs on the Form 496 filed with the City Clerk on February 22, 2004. Respondents did not	
5	disclose this \$300 expenditure until July 21, 2004, 151 days late.	
6	Factors in Mitigation	
7	19. Respondents have an extensive history of timely filing campaign statements in	
8	connection with expenditures made in support of City candidates and measures.	
9	20. Respondents have cooperated fully with the Ethics Commission investigation.	
10	Conclusion	
11	21. Respondents agree to take necessary and prudent precautions to ensure timely an	
12	complete disclosure of independent expenditures in the future, and to comply with all of the	
13	provisions of the City's Election Campaign Control Ordinance.	
14	22. Respondents agree to pay a fine in the amount of \$200 for two counts of violating	
15	SDMC section 27.2931. Respondents agree to pay this amount no later than October 8, 2004.	
16	23. This Stipulation shall not become effective until Respondents have provided to	
17	the Ethics Commission the amount set forth in paragraph 22, by check or money order made	
18	payable to the City Treasurer.	
19	DATED.	
20	DATED:STACEY FULHORST, Executive Director	
21	ETHICS COMMISSION, Petitioner	
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23	DATED: BILL FARRAR, President	
24	SAN DIEGO POLICE OFFICERS ASSOCIATION, Respondent	
25	Respondent	
26	DATED:	
27	C. APRIL BOLING, Respondent	
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1	DECISION AND ORDER
2	The Ethics Commission considered the above Stipulation at its meeting on October 14,
3	2004. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
4	with the Stipulation, Respondents pay a fine in the amount of \$200.
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6	DATED:
7	Dorothy L.W. Smith, Chair SAN DIEGO ETHICS COMMISSION
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