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City of San Diego Ethics Commission  
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5 Petitioner

6  
7 **BEFORE THE CITY OF SAN DIEGO**  
8 **ETHICS COMMISSION**

9  
10 In re the Matter of: ) Case No.: 2006-07  
11 )  
SAN DIEGO COUNTY REPUBLICAN ) **STIPULATION, DECISION, AND**  
CENTRAL COMMITTEE, ) **ORDER**  
12 )  
Respondent. )  
13 )

14 **STIPULATION**

15 **THE PARTIES STIPULATE AS FOLLOWS:**

16 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics  
17 Commission [Ethics Commission]. The Ethics 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 provisions of the City's Election Campaign  
20 Control Ordinance [ECCO].

21 2. At all times mentioned herein, the San Diego County Republican Central  
22 Committee [Committee] was committee registered with the State of California (Identification  
23 No. 741949) as a general purpose recipient committee. The Committee is referred to herein as  
24 "Respondent."

25 3. This Stipulation, Decision and Order [Stipulation] will be submitted for consideration  
26 by the Ethics Commission at its next scheduled meeting, and the agreements contained herein are  
27 contingent upon the approval of the Stipulation and the accompanying Decision and Order by the  
28 Ethics Commission.



1           9.     The mailers sent to residents of District 8 were not limited to members of the  
2 Republican Party of San Diego County. Instead, 323 of the 3,959 recipients were not members  
3 of the Republican Party. Accordingly, the costs associated with the mailers sent to the 323 non-  
4 Republican households (\$271 for each of the three mailers) do not qualify as “member  
5 communications,” as defined by SDMC section 27.2903. Instead, because the expenditures  
6 were made “at the behest” of the City candidate supported in the mailers, the expenditures are  
7 considered contributions to the City candidate.

8           10.    Because the Committee made contributions to a City candidate, the Committee is  
9 subject to the provisions of ECCO that restrict the source and amount of allowable  
10 contributions.

11           11.    SDMC section 27.2950 prohibits contributions from organizations to City  
12 candidates.

13           12.    As discussed above, the Committee made three in-kind contributions to a City  
14 candidate on December 30, 2005, and January 3, 2006. Therefore, the Committee made three  
15 organizational contributions to a City candidate, in violation of ECCO’s prohibition against  
16 organizational contributions.

17           13.    SDMC section 27.2935 limits contributions to City Council candidates to \$250 per  
18 election.

19           14.    As discussed above, the Committee made three payments, each in the amount of  
20 \$271, for campaign mailers sent to non-Republican households that were coordinated with the  
21 City candidate supported in the mailers. Each of these three payments constitutes a contribution  
22 to a City Council candidate that exceeds the \$250 per election contribution limit set forth in  
23 ECCO.

### Counts

#### **Counts 1 through 3 – Violations of SDMC section 27.2950**

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26           15.    Respondent made a total of three contributions to a City candidate on December 30,  
27 2006, and January 3, 2006, in violation of the ban on contributions from organizations to City  
28 candidates outlined in SDMC section 27.2950.

1 **Counts 4 through 6 - Violations of SDMC section 27.2935**

2 16. Respondent made three contributions in the amount of \$271 each to a City Council  
3 candidate, in violation of the \$250 contribution limit set forth in SDMC section 27.2935.

4 **Factors in Mitigation**

5 17. Respondent has cooperated fully with the Ethics Commission investigation. In  
6 addition, Respondent has a history of making concerted efforts to comply with local campaign  
7 laws, including those associated with member communications.

8 18. The Commission's investigation reveals that the Committee specifically instructed  
9 its campaign vendor that the subject mailers were only to be sent to members of the Republican  
10 Party of San Diego County. Despite these instructions, the vendor has acknowledged that it  
11 inadvertently prepared a mailing list that included 323 recipients who were not members of the  
12 Republican Party of San Diego County, and the vendor has agreed to pay the fine referenced in  
13 paragraph 20 below.

14 **Factors in Aggravation**

15 19. On January 3, 2006, in the early afternoon, the Ethics Commission notified a  
16 representative of the Committee by telephone that two mailers sent by the Committee had  
17 reportedly been received by residents of City Council District 8 who were not members of the  
18 Republican Party of the County of San Diego. Despite this warning, the Committee sent a third  
19 mailer at approximately 9:00 p.m. that same day to the same list of recipients.

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1 **Conclusion**

2 20. Respondent agrees to pay a fine in the amount of \$7,000 for violating SDMC  
3 sections 27.2935 and 27.2950. This amount must be paid no later than April 12, 2006. The  
4 submitted payment will be held pending Commission approval of this Stipulation and execution  
5 of the Decision and Order set forth below.

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7 DATED: \_\_\_\_\_  
8 STACEY FULHORST, Executive Director  
9 ETHICS COMMISSION, Petitioner

10 DATED: \_\_\_\_\_  
11 RON NEHRING, Chairman of the SAN DIEGO  
12 COUNTY REPUBLICAN CENTRAL COMMITTEE,  
13 Respondent

14 **DECISION AND ORDER**

15 The Ethics Commission considered the above Stipulation at its meeting on \_\_\_\_\_,  
16 2006. The Ethics Commission hereby approves the Stipulation and orders that, in accordance  
17 with the Stipulation, Respondent pay a fine in the amount of \$7,000.

18  
19 DATED: \_\_\_\_\_  
20 Dorothy Leonard, Chair  
21 SAN DIEGO ETHICS COMMISSION