1	STACEY FULHORST, Executive Director		
2	City of San Diego Ethics Commission 1010 Second Avenue, Suite 1530 San Diego, CA 92101 Telephone: (619) 533-3476		
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4	Facsimile: (610) 523 3448		
5	5 Petitioner		
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7	BEFORE THE CITY OF SAN DIEGO		
8	ETHICS COMMISSION		
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10	In re the Matter of:  Case No.: 2008-64		
11	SAN DIEGO SAFE BEACHES (STIPULATION, DECISION, ORDER)  ORDER	AND	
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 Election Campaign Control		
20	Ordinance [ECCO], SDMC section 27.2901 et seq.		
21	2. At all times mentioned herein, Jacob Pyle [Pyle] was the principal of San Diego		
22	Safe Beaches Coalition [Safe Beaches Committee], a committee registered with the State of		
23	California (Identification No. 1309244). Safe Beaches Committee is referred to herein as		
24	"Respondent."		
25	3. This Stipulation will be submitted for consideration by the Ethics Co	mmission at its	
26	next scheduled meeting, and the agreements contained herein are contingent upon	the approval	
27	of the Stipulation and the accompanying Decision and Order by the Ethics Commission.		
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	-1- STIPULATION, DECISION, AND ORDER		
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- 4 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 Respondent's liability.
- 5. Respondent understands and knowingly and voluntarily waives 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. Respondent agrees to hold the City of San Diego harmless from any and all claims or damages resulting from the Commission's investigation, this stipulated agreement, or any matter reasonably related thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a reference to each violation, and an order.
- 6. Respondent acknowledges 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.
- 7. The parties agree that in the event the Ethics Commission refuses to accept this Stipulation, it shall become null and void. Respondent further agrees 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**

8. ECCO defines "committee" as any person or combination of persons who raise \$1,000 or more for the purpose of supporting or opposing a candidate or ballot measure, or make independent expenditures of \$1,000 or more, within a single calendar year. SDMC § 27.2903.

1	<u>Conclusion</u>	
2	15. Respondent agrees to take necessary and prudent precautions to ensure	
3	compliance with all provisions of ECCO in the future.	
4	16. Respondent agrees to pay a fine in the amount of \$1,000 for violating SDMC	
5	section 27.2970. This amount must be paid no later than July 2, 2010, by check or money order	
6	made payable to the City Treasurer. The submitted payment will be held pending Commission	
7	approval of this Stipulation and execution of the Decision and Order portion set forth below.	
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9	DATED:	
10	STACEY FULHORST, Executive Director ETHICS COMMISSION, Petitioner	
11		
12	DATED: JACOB PYLE, on behalf of Respondent,	
13	SAN DIEGO SAFE BEACHES COALITION	
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15		
16	DECISION AND ORDER	
17	The Ethics Commission considered the above Stipulation at its meeting on,	
18	2010. The Ethics Commission hereby approves the Stipulation and orders that, in accordance	
19	with the Stipulation, Respondent pay a fine in the amount of \$1,000 for violating SDMC section	
20	27.2970.	
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22	DATED: LARRY WESTFALL, Chair	
23	SAN DIEGO ETHICS COMMISSION	
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