STACY FULHORST, Executive Director  
City of San Diego Ethics Commission  
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Petitioner

BEFORE THE CITY OF SAN DIEGO  
ETHICS COMMISSION

In re the Matter of:  
ROBERT ILKO,  
Respondent.  

STIPULATION

THE PARTIES STIPULATE AS FOLLOWS:

1. Petitioner Stacey Fulhurst is the Executive Director of the City of San Diego Ethics  
   Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,  
   implement, and enforce local governmental ethics laws contained in the San Diego Municipal  
   Code [SDMC] relating to, among other things, the provisions of the City’s Election Campaign  
   Control Ordinance [ECCO].

2. At all times mentioned herein, Robert Ilko was a candidate for City Council District 5  
   in the June 4, 2008, primary election. (Although he withdrew from the race in March of 2008, he  
   is considered a candidate until his campaign committee is terminated.) The Friends of Bob Ilko  
   committee (Identification No. 1299411) [Committee] was a campaign committee registered with  
   the State of California established to support Mr. Ilko’s candidacy for Council District 5. At all  
   relevant times herein, the Committee was controlled by Mr. Ilko within the meaning of the  
   California Political Reform Act, California Government Code section 82016. Mr. Ilko is  
   referred to herein as “Respondent.”
3. 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.

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 or 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.

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Summary of Law and Facts

8. On September 10, 2009, the Committee was selected for audit at a random drawing conducted in accordance with the provisions in the Ethics Commission Audit Manual. Accordingly, an audit of the Committee was performed for the period from June 4, 2007, through December 31, 2010.

9. Because the Committee was formed for the purpose of supporting a candidate in a City of San Diego election, Respondent is required to comply with the provisions of ECCO. ECCO was amended and renumbered on January 1, 2009. Accordingly, this Stipulation refers to the applicable provisions of ECCO that were in effect at the time of the actions that are the subject of this Stipulation.

10. SDMC section 27.2930 requires candidates and committees to file campaign statements and disclose all of the information required by state law. California Government Code section 84211 requires disclosure of the following information:

(f) If the cumulative amount of contributions (including loans) received from a person is one hundred dollars ($100) or more and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following:

(1) His or her full name.

(2) His or her street address.

(3) His or her occupation.

(4) The name of his or her employer, or if self-employed, the name of the business.

(5) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan.

(6) The cumulative amount of contributions.

(g) If the cumulative amount of loans received from or made to a person is one hundred dollars ($100) or more, and a loan has been received from or made to a person
during the period covered by the campaign statement, or is outstanding during the period covered by the campaign statement, all of the following:

(1) His or her full name.
(2) His or her street address.
(3) His or her occupation.
(4) The name of his or her employer, or if self-employed, the name of the business.
(5) The original date and amount of each loan.
(6) The due date and interest rate of the loan.
(7) The cumulative payment made or received to date at the end of the reporting period.
(8) The balance outstanding at the end of the reporting period.
(9) The cumulative amount of contributions.

11. The Commission’s audit revealed that Respondent failed to disclose 7 contributions totaling $750.00 on the campaign statement covering the period from July 1, 2007, through December 31, 2007.

12. The Commission’s audit revealed that Respondent failed to disclose 3 contributions totaling $450.00 on the campaign statement covering the period from January 1, 2008, through March 31, 2008.

13. The Commission’s audit revealed that Respondent failed to disclose a loan from the candidate in the amount of $5,000 on the campaign statement covering the period from January 1, 2008, through March 31, 2008.

14. The Commission’s audit revealed that Respondent failed to disclose an expenditure in the amount of $1,750.00 to its campaign consultant, VanDeWeghe Associates, on the campaign statement covering the period from July 1, 2007, through December 31, 2007.

15. ECCO requires candidates and committees to maintain records of all contributions received and all disbursements made from the campaign checking account. In particular, the records required by SDMC section 27.2925 include copies of contribution checks as well as invoices or other supporting documents for which funds were disbursed.
16. The Commission’s audit revealed that Respondent failed to maintain copies of any records associated with 27 contributions totaling $3,220.00.

**Counts**

**Counts 1 through 4 – Violations of SDMC section 27.2930**

17. Respondent violated SDMC section 27.2930 by failing to disclose 7 contributions totaling $750.00 on the campaign statement covering the period from July 1, 2007, through December 31, 2007.

18. Respondent violated SDMC section 27.2930 by failing to disclose 3 contributions totaling $450.00 on the campaign statement covering the period from January 1, 2008, through March 31, 2008.

19. Respondent violated SDMC section 27.2930 by failing to disclose a loan from the candidate in the amount of $5,000 on the campaign statement covering the period from January 1, 2008, through March 31, 2008.

20. Respondent violated SDMC section 27.2930 by failing to disclose an expenditure in the amount of $1,750.00 on the campaign statement covering the period from July 1, 2007, through December 31, 2007.

**Count 5 – Violation of SDMC section 27.2925**

21. Respondent violated SDMC section 27.2925 by failing to maintain any records associated with 27 contributions totaling $3,220.00.

**Factors in Aggravation**

22. Because Respondent failed to maintain records associated with 27 contributions totaling $3,220.00, the Commission’s auditor was unable to verify the source of the funds, the dates the contributions were received, or the accuracy of information disclosed on campaign statements.

**Factors in Mitigation**

23. Respondent has fully cooperated with the Ethics Commission’s investigation.

24. Although City candidates are required to maintain campaign-related records, it is not uncommon for City candidates to retrieve copies of certain documents from their respective
financial institutions. In this case, Respondent was unable to obtain copies of records associated with the 27 contributions discussed above from his bank because it recently merged with another financial institution.

Conclusion

25. Respondent agrees to take necessary and prudent precautions to comply with all provisions of the Election Campaign Control Ordinance in the future.

26. Respondent acknowledges that the Ethics Commission may impose increased fines in connection with any future violations of the City’s campaign laws.

27. Respondent agrees to pay a fine in the amount of $2,000.00 for violating SDMC sections 27.2925 and 27.2930. This amount must be paid by check or money order made payable to the City Treasurer no later than July 8, 2011. The submitted payment will be held pending Commission approval of this Stipulation and execution of the Decision and Order portion set forth below.

DATED:_________________  __________________________________________

STACEY FULHORST, Executive Director
ETHICS COMMISSION, Petitioner

DATED:__________________ __________________________________________

ROBERT ILKO, Respondent

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on _________, 2011. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of $2,000.00.

DATED:_________________  _______________________________

CLYDE FULLER, Chair
SAN DIEGO ETHICS COMMISSION