STACEY 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:  
CALIFORNIA TEAMSTERS PUBLIC  
AFFAIRS COUNCIL, PUBLIC AFFAIRS,  
Respondent.  
) Case No.:  2012-50  
) STIPULATION, DECISION, AND  
ORDER

STIPULATION

THE PARTIES STIPULATE AS FOLLOWS:

1. Petitioner Stacey Fulhorst 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 Election Campaign Control Ordinance [ECCO], SDMC section 27.2901, et seq.

2. At all times mentioned herein, California Teamsters Public Affairs Council, Public Affairs [California Teamsters] was a state general purpose committee sponsored registered with the State of California (Identification No. 742500). California Teamsters is referred to herein as “Respondent.”

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4. 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.

5. 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.

6. 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.

7. 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.

8. 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

9. 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.

10. ECCO requires committees to file campaign statements in the time and manner required by California Government Code section 81000, et seq. and the regulations adopted by the Fair Political Practices Commission. It is unlawful under ECCO to fail to comply with the disclosure requirements of ECCO and state law. SDMC § 27.2930(j).

11. According to Government Code sections 82036.5 and 84204, any committee that makes independent expenditures totaling $1,000 or more to support or oppose a candidate or measure in the sixteen day period preceding an election is required to file a Late Independent Expenditure Report [Form 496] within twenty-four hours with the City Clerk. For the June 5, 2012, primary election, this sixteen day period commenced on May 20, 2012.

12. On May 23, 2012, Respondent made a payment in the amount of $1,980.32 for a mailer distributed to 3,000 City residents in support of the mayoral candidacy Nathan Fletcher.

13. On June 4, 2012, eleven days late and one day before the primary election, Respondent filed a Form 496 with the City Clerk and disclosed this independent expenditure.

Counts

Count 1 - Violation of SDMC section 27.2930

14. Respondent violated SDMC section 27.2930 by failing to timely disclose the independent expenditure it made on May 23, 2012, in support of a City candidate. Respondent was required to file a Form 496 to disclose this independent expenditure on May 24, 2012, but did not do so until June 4, 2012, eleven days late.

Factors in Mitigation

15. Respondent has cooperated fully with the Ethics Commission investigation.

Conclusion

16. Respondent agrees to take necessary and prudent precautions to ensure compliance with all provisions of ECCO in the future.
17. Respondent acknowledges that the Ethics Commission may impose increased fines in connection with any future violations of the City’s campaign laws.

18. Respondent agrees to pay a fine in the amount of $500 for violating SDMC section 27.2930. This amount must be paid by check or money order made payable to the City Treasurer no later than October 31, 2012. Respondent acknowledges that if the fine is not timely paid in full, the Commission may refer the collection of the fine to the City Treasurer’s Collection Division, which may pursue any or all available legal remedies to recover late penalties, interest, and costs, in addition to seeking the outstanding balance owed.

DATED:__________________
[REDACTED]
STACEY FULHORST, Executive Director
ETHICS COMMISSION, Petitioner

[REDACTED]
DATED:__________________
CALIFORNIA TEAMSTERS PUBLIC AFFAIRS COUNCIL, PUBLIC AFFAIRS, Respondent
By: Rome Aloise

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on __________, 2012. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of $500.

DATED:__________________
[REDACTED]
CLYDE FULLER, Chair
SAN DIEGO ETHICS COMMISSION