

1 STACEY FULHORST, Executive Director  
City of San Diego Ethics Commission  
2 1010 Second Avenue, Suite 1530  
San Diego, CA 92101  
3 Telephone: (619) 533-3476  
4 Facsimile: (619) 533-3448

5 Petitioner

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

9  
10 In re the Matter of: ) Case No.: 2012-50  
11 CALIFORNIA TEAMSTERS PUBLIC )  
AFFAIRS COUNCIL, PUBLIC AFFAIRS, ) **STIPULATION, DECISION, AND**  
12 ) **ORDER**  
Respondent. )  
13 )  
14 )  
15 )

16 **STIPULATION**

17 **THE PARTIES STIPULATE AS FOLLOWS:**

18 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics  
19 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,  
20 implement, and enforce local governmental ethics laws contained in the San Diego Municipal  
21 Code [SDMC] relating to, among other things, the provisions of the Election Campaign Control  
22 Ordinance [ECCO], SDMC section 27.2901, *et seq.*

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

27 ///

28 ///

1           4.    This Stipulation will be submitted for consideration by the Ethics Commission at its  
2 next scheduled meeting, and the agreements contained herein are contingent upon the approval  
3 of the Stipulation and the accompanying Decision and Order by the Ethics Commission.

4           5.    This Stipulation resolves all factual and legal issues raised in this matter by the  
5 Ethics Commission without the necessity of holding an administrative hearing to determine  
6 Respondent's liability.

7           6.    Respondent understands and knowingly and voluntarily waives any and all  
8 procedural rights under the SDMC, including, but not limited to, a determination of probable  
9 cause, the issuance and receipt of an administrative complaint, the right to appear personally in  
10 any administrative hearing held in this matter, the right to confront and cross-examine witnesses  
11 testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to  
12 have the Ethics Commission or an impartial hearing officer hear this matter. Respondent agrees  
13 to hold the City of San Diego harmless from any and all claims or damages resulting from the  
14 Commission's investigation, this stipulated agreement, or any matter reasonably related thereto.  
15 Respondent further agrees that the terms of this Stipulation constitute compliance with the  
16 provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a  
17 reference to each violation, and an order.

18           7.    Respondent acknowledges that this Stipulation is not binding upon any other law  
19 enforcement or government agency and does not preclude the Ethics Commission from referring  
20 this matter to, cooperating with, or assisting any other law enforcement or government agency  
21 with regard to this or any other related matter.

22           8.    The parties agree that in the event the Ethics Commission refuses to accept this  
23 Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics  
24 Commission rejects the Stipulation and a full evidentiary hearing before the Ethics Commission  
25 becomes necessary, no member of the Ethics Commission or its staff shall be disqualified  
26 because of prior consideration of this Stipulation.

27    ///

28    ///

1 **Summary of Law and Facts**

2 9. ECCO defines “committee” as any person or combination of persons who raise  
3 \$1,000 or more for the purpose of supporting or opposing a candidate or ballot measure, or make  
4 independent expenditures of \$1,000 or more, within a single calendar year. SDMC § 27.2903.

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

9 11. According to Government Code sections 82036.5 and 84204, any committee that  
10 makes independent expenditures totaling \$1,000 or more to support or oppose a candidate or  
11 measure in the sixteen day period preceding an election is required to file a Late Independent  
12 Expenditure Report [Form 496] within twenty-four hours with the City Clerk. For the June 5,  
13 2012, primary election, this sixteen day period commenced on May 20, 2012.

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

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

18 **Counts**

19 **Count 1 - Violation of SDMC section 27.2930**

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

24 **Factors in Mitigation**

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

26 **Conclusion**

27 16. Respondent agrees to take necessary and prudent precautions to ensure compliance  
28 with all provisions of ECCO in the future.

