1	STACEY FULHORST, Executive Director
2	City of San Diego Ethics Commission 1010 Second Avenue, Suite 1530
3	San Diego, CA 92101 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.: 2012-63
11	SAN DIEGO POLICE OFFICERS ASSN. POLITICAL ACTION COMMITTEE, ) STIPULATION, DECISION, AND ORDER
12	Respondent.
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14	)
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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, the San Diego Police Officers Assn. Political Action
24	Committee [SDPOA] was a City of San Diego general purpose committee registered with the
25	State of California (Identification No. 811267). SDPOA is referred to herein as "Respondent."
26	3. This Stipulation will be submitted for consideration by the Ethics Commission at its
27	next scheduled meeting, and the agreements contained herein are contingent upon the approval
28	of the Stipulation and the accompanying Decision and Order by the Ethics Commission.
	-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.

4 5. Respondent understands and knowingly and voluntarily waives any and all 5 procedural rights under the SDMC, including, but not limited to, a determination of probable 6 cause, the issuance and receipt of an administrative complaint, the right to appear personally in 7 any administrative hearing held in this matter, the right to confront and cross-examine witnesses 8 testifying at the hearing, the right to subpoen a witnesses to testify at the hearing, and the right to 9 have the Ethics Commission or an impartial hearing officer hear this matter. Respondent agrees 10 to hold the City of San Diego harmless from any and all claims or damages resulting from the 11 Commission's investigation, this stipulated agreement, or any matter reasonably related thereto. 12 Respondent further agrees that the terms of this Stipulation constitute compliance with the 13 provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a 14 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.

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. 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.
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1	9. ECCO requires committees to file campaign statements in the time and manner
2	required by California Government Code section 81000, et seq. and the regulations adopted by
3	the Fair Political Practices Commission. It is unlawful under ECCO to fail to comply with the
4	disclosure requirements of ECCO and state law. SDMC § 27.2930(j).
5	10. According to Government Code sections 82036.5 and 84204, any committee that
6	makes independent expenditures totaling \$1,000 or more to support or oppose a candidate or
7	measure in the sixteen day period preceding an election is required to file a Late Independent
8	Expenditure Report [Form 496] within twenty-four hours with the City Clerk. For the November
9	6, 2012, general election, this sixteen day period commenced on October 21, 2012.
10	11. On October 31, 2012, Respondent made a payment in the amount of \$12,056 for
11	mailers distributed to 16,712 residents of Council District 1 in support of Sherri Lightner's re-
12	election candidacy.
13	12. On November 13, 2012, twelve days late and six days after the general election,
14	Respondent filed a Form 496 with the City Clerk and disclosed this independent expenditure.
15	<u>Counts</u>
16	Count 1 - Violation of SDMC section 27.2930
17	13. Respondent violated SDMC section 27.2930 by failing to timely disclose the
18	independent expenditure it made on October 31, 2012, in support of a City candidate.
19	Respondent was required to file a Form 496 to disclose this independent expenditure by
20	November 1, 2012, but did not do so until November 13, 2012, twelve days late.
21	Factors in Mitigation
22	14. Respondent has cooperated fully with the Ethics Commission investigation.
23	15. The late reporting of the independent expenditure described above was the result of
24	miscommunications between various parties. Respondent has implemented new and improved
25	procedures to ensure that its independent expenditures are timely reported in the future.
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	STIPULATION, DECISION, AND ORDER

1	Conclusion
2	16. Respondent agrees to take necessary and prudent precautions to ensure compliance
3	with all provisions of ECCO in the future.
4	17. Respondent acknowledges that the Ethics Commission may impose increased fines
5	in connection with any future violations of the City's campaign laws.
6	18. Respondent agrees to pay a fine in the amount of \$2,000 for violating SDMC
7	section 27.2930. This amount must be paid no later than February 8, 2013, by check or money
8	order payable to the City Treasurer. The submitted payment will be held pending Commission
9	approval of this Stipulation and execution of the Decision and Order portion set forth below.
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11	[REDACTED]
12	DATED: STACEY FULHORST, Executive Director
13	ETHICS COMMISSION, Petitioner
14	[REDACTED]
15 16	SAN DIEGO POLICE OFFICERS ASSOCIATION PAC, Respondent By: MIKE FENDER, Chair
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10	DECISION AND ORDER
20	The Ethics Commission considered the above Stipulation at its meeting on,
20	2013. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
21	with the Stipulation, Respondent pay a fine in the amount of \$2,000.
23	[REDACTED]
24	DATED: CLYDE FULLER, Chair
25	SAN DIEGO ETHICS COMMISSION
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	STIPULATION, DECISION, AND ORDER