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:  
SARAH BOOT,  
Respondent.  

Case No.: 2014-23

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 City’s Election Campaign Control Ordinance [ECCO].

2. At all times mentioned herein, Sarah Boot was a candidate for City Council District 2 in the primary election on June 3, 2014. The Sarah Boot for City Council 2014 committee [Committee] is a campaign committee registered with the State of California (Identification No. 1359642) established to support Ms. Boot’s candidacy for City Council District 2. At all relevant times herein, the Committee was controlled by Ms. Boot within the meaning of the California Political Reform Act, California Government Code section 82016. Ms. Boot is referred to herein as “Respondent.”

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STIPULATION, DECISION, AND ORDER
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. 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.

9. ECCO mandates that all committees that pay for mass campaign literature (200 substantially similar pieces of campaign literature) for the purpose of supporting or opposing a City candidate or measure include the words “paid for by” followed by the name and address of the committee. SDMC § 27.2970. This disclosure must be made in a typeface that is easily legible, contrasts with the background, and is no less than 12 points in size. Id.

10. In late May and early June 2014, the Committee produced and distributed the campaign walk piece attached as Exhibit A, which did not contain a “paid for by” disclosure as required by ECCO. The Committee realized its mistake shortly after it began disseminating the walk piece. A Committee representative immediately contacted the Ethics Commission staff and reported that the Committee would remedy the mistake by adding stickers with the requisite disclosure to the remaining walk pieces. Therefore, although 13,000 copies of the walk piece were initially produced, only 3,278 were distributed without the requisite disclosure.

Counts

Count 1 - Violation of SDMC section 27.2970

11. Respondent violated SDMC section 27.2970 by producing and distributing mass campaign literature that did not contain a “paid for by” disclosure.

Factors in Mitigation

12. The Commission’s investigation revealed that Respondent reasonably relied on campaign consultant Andrew Kennedy to comply with ECCO when designing and printing the walk piece. This consultant has acknowledged his mistake and has agreed to pay the fine referenced below in Paragraph 16.

13. Respondent fully cooperated with the Ethics Commission’s investigation.

Conclusion

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

16. Respondent agrees to pay a fine in the amount of $1,000 for violating SDMC section 27.2970. This amount must be paid no later than August 8, 2014, by check or money order made payable to the City Treasurer. The submitted payment will be held pending Commission approval of this Stipulation and execution of the Decision and Order portion set forth below.

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

[REDACTED]
DATED:__________________
SARAH BOOT, Respondent

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on August 14, 2014. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of $1,000.

[REDACTED]
DATED:__________________
JOHN C. O’NEILL, Chair
SAN DIEGO ETHICS COMMISSION
Our neighborhoods need leadership we can trust.

We need Democrat SARAH BOOT.

On the City Council, Sarah will:

- PUT OUR NEIGHBORHOODS FIRST – not the downtown insiders;
- GUARD the 30-foot height limit;
- DEMAND sensible gun laws;
- PROTECT our bays and beaches;
- FIGHT TO REDUCE WASTEFUL SPENDING at City Hall – and oppose car allowances and pensions for city council members.

VOTE on TUESDAY, June 3rd for Democrat SARAH BOOT for City Council District 2
VOTE this Tuesday for Sarah Boot.

The overwhelming choice to represent us on the City Council, Sarah Boot is endorsed by:

- San Diego Firefighters
- San Diego Lifeguards
- Planned Parenthood Action Fund
- The Sierra Club
- The League of Conservation Voters
- The Brady Campaign to Prevent Gun Violence
- Assembly Speaker Toni Atkins
- Former Councilwoman Donna Frye

POLLS OPEN 7 A.M. TO 8 P.M.

Vote-by-mail voters can take their ballots to the polls!

In the June 3 City Council Primary, vote for Sarah Boot.

FOR OUR NEIGHBORHOODS.
FOR OUR FUTURE.

www.sarahboot4citycouncil.com

YOUR POLLING LOCATION IS: