



Office of the San Diego City Attorney

Mara W. Elliott
City Attorney

August 24, 2020

Honorable Gavin Newsom
Governor, State of California
1303 10th Street, Suite 1173
Sacramento, CA 9581

Request for Signature Assembly Bill 3020

Dear Governor Newsom:

I respectfully request your signature of Assembly Bill 3020 (AB 3020). This bill, which was sponsored by my Office, will result in stronger enforcement of the Unfair Competition Law (UCL), resulting in greater compliance with California's environmental and consumer protection statutes.

It achieves these objectives by ensuring a proper distribution of prosecutorial resources. Under AB 3020, when the San Diego City Attorney's Office successfully prosecutes an unfair business practices lawsuit, and obtains civil penalties, it will be able to use every dollar of those penalties to fund more work on other environmental and consumer cases and investigations. Other offices or agencies will only share in those penalties when they share in the work. This puts my Office on an equal footing with the San Diego County District Attorney. Currently, when the District Attorney brings an action under the UCL, the County of San Diego receives all of the civil penalties awarded by the court. When my Office brings such an action, those civil penalties must be split evenly with the County, even if it did not help with the case.

The current system impacts our ability to enforce California's environmental and consumer protection statutes. These prosecutions are costly and consume staff resources. Deprived of half of the civil penalties that will be awarded in any successful prosecution, my Office must undertake a tough cost-benefit analysis when it considers which cases it can prosecute, as the net costs are effectively doubled.

This bill applies only to enforcement by my Office and no other jurisdiction, and is not opposed by the San Diego County District Attorney.

I urge your signature on AB 3020. If you need additional information, I encourage you to contact me or Mark Ankcorn, the chief of my Affirmative Civil Enforcement Division, at 619-533-4048

Sincerely,

A handwritten signature in blue ink that reads "Mara W. Elliott".

Mara W. Elliott