STACEY FULHORST, Executive Director 1 City of San Diego Ethics Commission 1010 Second Avenue, Suite 1530 San Diego, CA 92101 3 Telephone: (619) 533-3476 Facsimile: (619) 533-3448 Petitioner 5 6 **BEFORE THE CITY OF SAN DIEGO** 7 **ETHICS COMMISSION** 8 Case No.: 2016-16 In re the Matter of: 10 STIPULATION, DECISION, AND SAN DIEGO – IMPERIAL COUNTIES **ORDER** 11 LABOR COUNCIL, AFL-CIO, 12 Respondent. 13 14 **STIPULATION** 15 THE PARTIES STIPULATE AS FOLLOWS: 16 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics 17 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer, 18 implement, and enforce local governmental ethics laws contained in the San Diego Municipal 19 Code [SDMC] relating to, among other things, the provisions of the Municipal Lobbying 20 Ordinance, SDMC section 27.4001, et seq. 21 2. At all times mentioned herein, San Diego-Imperial Counties Labor Council, AFL-22 23 CIO [Labor Council] was an organization lobbyist registered with the Office of the City Clerk. The Labor Council is referred to herein as "Respondent." 24 3. This Stipulation will be submitted for consideration by the Ethics Commission at its 25 next scheduled meeting, and the agreements contained herein are contingent upon the approval of 26 the Stipulation and the accompanying Decision and Order by the Ethics Commission. 27 /// 28

- 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, 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.

Summary of Law and Facts

8. The City's Lobbying Ordinance requires organization lobbyists to file quarterly reports and disclose information regarding their lobbying and related activities, including the campaign contributions of \$100 or more made to City candidates by the organization's compensated owners, officers, and lobbyists. SDMC § 27.4017.

- 9. On January 30, 2015, Respondent registered as an organization lobbyist for the 2015 calendar year with the Office of the City Clerk.
- 10. On February 2, 2016, Respondent filed a disclosure report covering the period from October 1 through December 31, 2015, that did not include the three contributions its lobbyists made to City candidates totaling \$1,300 during the reporting period. On May 19, 2016, in response to a request from Commission staff, Respondent filed an amended quarterly report to disclose these contributions.

Counts

Counts 1 and 2 - Violation of SDMC section 27.4017

11. Respondent failed to disclose all of the information required by SDMC section 27.4017 when it filed its 2015 fourth quarter report on February 2, 2016. In particular, as described above in Paragraph 10, Respondent failed to disclose the campaign contributions made by its lobbyists to City candidates.

Factors in Aggravation

12. Respondent was the subject of a previous Commission enforcement action involving several violations of the City's lobbying laws, including the failure to disclose campaign contributions made by its compensated owners, officers, and lobbyists. Respondent paid a \$3,000 fine in that case. Subsequent to that enforcement action, Respondent received an additional warning letter concerning its failure to disclose all of the campaign contributions made by its compensated owners, officers, and lobbyists.

Factors in Mitigation

13. Respondent fully cooperated with the Commission's investigation.

Conclusion

- 14. Respondent agrees to take necessary and prudent precautions to ensure compliance with all provisions of the City's Lobbying Ordinance in the future.
- 15. Respondent acknowledges that the Ethics Commission may impose increased fines in connection with any future violations of the City's lobbying laws.

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1	16. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC section	n
2	27.4017. This amount must be paid by check or money order made payable to the City Treasur	er
3	no later than July 8, 2016. The submitted payment will be held pending Commission approval of	of
4	this Stipulation and execution of the Decision and Order portion set forth below.	
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6	[REDACTED] DATED:	
7 8	STACEY FULHORST, Petitioner SAN DIEGO ETHICS COMMISSION	
9	[REDACTED] DATED:	
10	SAN DIEGO – IMPERIAL COUNTIES LABOR COUNCIL, AFL-CIO, Respondent	
12	By: Dale Kelly Bankhead	
13		
14	DECISION AND ORDER	
15	The Ethics Commission considered the above Stipulation at its meeting onJuly 14, 2016.	
16	The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the	<u>;</u>
17	Stipulation, Respondent pay a fine in the amount of \$500.	
18 19	[REDACTED] DATED:	
20	CLYDE FULLER, Chair SAN DIEGO ETHICS COMMISSION	
21	SAN DILGO LITTLES COMMISSION	
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