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:
MIKE AGUIRRE,
Respondent.

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 Election Campaign Control Ordinance [ECCO], SDMC section 27.2901, et seq.

2. At all times mentioned herein, Mike Aguirre was a candidate for Mayor in the special election on November 19, 2013. The Mike Aguirre for Mayor committee (Identification No. 1360503) [Committee] was a campaign committee registered with the State of California established to support Mr. Aguirre’s candidacy. At all relevant times herein, the Committee was controlled by Mr. Aguirre within the meaning of the California Political Reform Act, California Government Code section 82016. Mr. Aguirre is referred to herein as “Respondent.”

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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 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 agrees to hold the City of San Diego and the Ethics Commission harmless from any and all claims or damages resulting from the Commission’s investigation, this stipulated agreement, or any matter reasonably related thereto.

7. 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.

8. 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

9. The Committee was selected for audit by a designee of the City Clerk in a random
drawing conducted at a public meeting of the Ethics Commission held on September 10, 2015.
An audit was conducted covering the period from September 9, 2013, through January 31, 2014.
The information set forth in this Stipulation was obtained during the course of audit.

10. SDMC section 27.2930 requires candidates and committees to file campaign
statements in the time and manner required by state law. California Government Code section
84211 requires candidates and committees to disclose the name, street address, occupation, and
employer of individuals who have contributed a total of $100 or more. Respondent failed to
disclose the occupation and employer for eleven contributions totaling $1,250, approximately ten
percent of total contributions received by the Committee.

Counts

Count 1 - Violation of SDMC section 27.2930

11. Respondent violated SDMC section 27.2930 by failing to disclose occupation and
employer information for eleven contributions totaling $1,250.

Factors in Aggravation

12. Respondent has run for elective office on several prior occasions and served as the
elected City Attorney from 2004 to 2008. Accordingly, Respondent knew or should have known
that he was required to disclose occupation and employer information for contributors of $100 or
more.

Factors in Mitigation

13. Respondent cooperated with the Ethics Commission investigation.

Conclusion

14. Respondent agrees to take necessary and prudent precautions to ensure compliance
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 $500 for violating SDMC section 27.2930. This amount must be paid no later than November 6, 2017, by check or money order 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.

DATED: __________________  ______________________________________________
Stacey Fulhorst, Petitioner
SAN DIEGO ETHICS COMMISSION

DATED: __________________  ______________________________________________
Mike Aguirre, Respondent

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on November 9, 2017. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of $500.

DATED: __________________  ______________________________________________
Deborah Cochran, Chair
SAN DIEGO ETHICS COMMISSION