

1 STACEY FULHORST, Executive Director  
City of San Diego Ethics Commission  
2 1010 Second Avenue, Suite 1530  
San Diego, CA 92101  
3 Telephone: (619) 533-3476

4  
5 Petitioner

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7 **BEFORE THE CITY OF SAN DIEGO**  
8 **ETHICS COMMISSION**

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10 In re the Matter of: ) Case No.: 2018-04  
11 CHRIS CATE, )  
12 Respondent. ) **STIPULATION, DECISION, AND**  
13 ) **ORDER**

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15 **STIPULATION**

16 **THE PARTIES STIPULATE AS FOLLOWS:**

17 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics  
18 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,  
19 implement, and enforce local governmental ethics laws contained in the San Diego Municipal  
20 Code [SDMC] relating to, among other things, the provisions of the City’s Election Campaign  
21 Control Ordinance [ECCO].

22 2. At all times mentioned herein, Chris Cate was a candidate for re-election to City  
23 Council District 6 in the June 2018 primary election. The Cate for City Council 2018 committee  
24 (Identification No. 1394460) [Committee] was a campaign committee registered with the State  
25 of California established to support Councilmember Cate’s candidacy for Council District 6. At  
26 all relevant times herein, the Committee was controlled by Councilmember Cate within the  
27 meaning of the California Political Reform Act, California Government Code section 82016.  
28 Councilmember Cate is referred to herein as “Respondent.”

1           3.    This Stipulation will be submitted for consideration by the Ethics Commission at its  
2 next scheduled meeting, and the agreements contained herein are contingent upon the approval  
3 of the Stipulation and the accompanying Decision and Order by the Ethics Commission.

4           4.    This Stipulation resolves all factual and legal issues raised in this matter by the  
5 Ethics Commission without the necessity of holding an administrative hearing to determine  
6 Respondent's liability.

7           5.    Respondent understands and knowingly and voluntarily waives any and all  
8 procedural rights under the SDMC including, but not limited to, a determination of probable  
9 cause, the issuance and receipt of an administrative complaint, the right to appear personally in  
10 any administrative hearing held in this matter, the right to confront and cross-examine witnesses  
11 testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to  
12 have the Ethics Commission or an impartial hearing officer hear this matter. Respondent agrees  
13 that the terms of this Stipulation constitute compliance with the provisions of SDMC section  
14 26.0450 in that the Stipulation includes a recitation of facts, a reference to each violation, and an  
15 order.

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

19           7.    Respondent acknowledges that this Stipulation is not binding upon any other law  
20 enforcement or government agency and does not preclude the Ethics Commission from referring  
21 this matter to, cooperating with, or assisting any other law enforcement or government agency  
22 with regard to this or any other related matter.

23           8.    The parties agree that in the event the Ethics Commission refuses to accept this  
24 Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics  
25 Commission rejects the Stipulation and a full evidentiary hearing before the Ethics Commission  
26 becomes necessary, no member of the Ethics Commission or its staff shall be disqualified  
27 because of prior consideration of this Stipulation.

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1 **Summary of Law and Facts**

2 9. Because the Committee was formed for the purpose of supporting a candidate in a  
3 City of San Diego election, Respondent is required to comply with the provisions of ECCO.

4 10. ECCO prohibits City candidates from directly or indirectly soliciting campaign  
5 contributions from persons they know to be City employees. SDMC §27.2946. In order to avoid  
6 violations of this law, candidates are advised to comb their email lists and remove those that end  
7 with a domain name associated with the City of San Diego or any of its agencies (e.g.,  
8 sandiego.gov).

9 11. On February 7, 2018, the Committee sent a campaign email to a list of  
10 approximately 9,000 recipients that included 60 City employees (at their sandiego.gov email  
11 addresses). The majority of the recipients were included on a campaign list generated in  
12 connection with the 2014 election cycle, which the Committee representative incorrectly  
13 assumed had been previously combed to remove City employee email addresses. The email  
14 included a solicitation for campaign contributions in the form of a “Donate to my Campaign”  
15 button near the end of the message, which was linked to the Committee’s campaign donation  
16 page.

17 **Counts**

18 **Count 1 - Violation of SDMC section 27.2946**

19 12. Respondent violated SDMC section 27.2946 when his Committee sent an email to  
20 60 City employees, at their City email addresses, that included a solicitation for campaign  
21 contributions.

22 **Factors in Mitigation**

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

24 14. Respondent’s claim that the inclusion of City employees in the distribution list was  
25 inadvertent is supported by the fact the Executive Director of the Ethics Commission was one of  
26 the City employees who received the email.

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