

1 STACEY FULHORST, Executive Director
City of San Diego Ethics Commission
2 450 B Street, Suite 780
San Diego, CA 92101
3 Telephone: (619) 533-3476

4 Petitioner

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

9 In re the Matter of:) Case No.: 2019-05
10 CHRISTIAN RAMIREZ,)
11 Respondent.) **STIPULATION, DECISION, AND**
12) **ORDER**
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 Election Campaign Control
20 Ordinance [ECCO], SDMC section 27.2901, *et seq.*

21 2. At all times mentioned herein, Christian Ramirez was a candidate for City Council
22 District 8 in the June 2018 primary election. The Christian Ramirez For San Diego City Council
23 2018 committee (Identification No. 1397470) [Committee] was a campaign committee registered
24 with the State of California and established to support Mr. Ramirez’s candidacy. At all relevant
25 times herein, the Committee was controlled by Mr. Ramirez within the meaning of the California
26 Political Reform Act, California Government Code section 82016. Mr. Ramirez is referred to
27 herein as “Respondent.”

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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. SDMC section 27.2930 requires candidates and committees to file campaign
3 statements and disclose all of the information required by state law. California Government Code
4 section 84211 requires the disclosure of all expenditures made and expenses accrued during the
5 reporting period, as well as the cash on hand at the beginning and end of the reporting period.

6 10. On April 27, 2018, the Committee filed a campaign statement covering the period
7 from January 1 through April 21, 2018, and failed to disclose expenditures totaling \$7,740, as
8 well as accrued expenses totaling approximately \$11,781. In addition, the Committee
9 erroneously disclosed that it had \$38,113 cash on hand at the end of the reporting period;
10 amended campaign statements subsequently filed reflect a cash balance of \$31,247.

11 11. On May 24, 2018, the Committee filed a campaign statement covering the period
12 from April 22, through May 19, 2018, and failed to disclose expenditures totaling \$10,424, as
13 well as accrued expenses totaling approximately \$4,000. In addition, the Committee erroneously
14 disclosed that it had \$42,949 cash on hand at the end of the reporting period; amended campaign
15 statements subsequently filed reflect a cash balance of \$24,385.

16 12. On July 31, 2018, the Committee filed a campaign statement covering the period
17 from May 20 through June 30, 2018, and failed to disclose expenditures totaling \$1,952, as well
18 as accrued expenses totaling approximately \$11,950. In addition, the Committee erroneously
19 disclosed that it had \$35,207 cash on hand at the end of the reporting period; amended campaign
20 statements subsequently filed reflect a cash balance of \$14,202.

21 13. On January 31, 2019, the Committee filed a campaign statement covering the period
22 from July 1 through December 31, 2018, and failed to disclose expenditures totaling \$12,851. In
23 addition, the Committee erroneously disclosed that it had \$33,525 cash on hand at the end of the
24 reporting period; amended campaign statements subsequently filed reflect a cash balance of
25 \$2,153.

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1 Counts

2 **Counts 1 through 4 - Violations of SDMC Section 27.2930**

3 14. Respondent violated SDMC section 27.2930 by failing to accurately disclose
4 expenditures made, expenses accrued, and cash on hand on four campaign statements as
5 described above in paragraphs 10 through 13.

6 Factors in Aggravation

7 15. The amount of campaign expenditures that were not timely reported constitute
8 approximately sixty percent of the total expenditures made throughout Respondent's candidacy.
9 The violations were systemic in nature and deprived the voters of important information
10 concerning Respondent's campaign finances.

11 16. Respondent did not address the inaccuracies in his campaign statements until he
12 was contacted by Commission staff in February of 2019 and did not file any amendments to his
13 campaign statements until May 1, 2019.

14 Conclusion

15 17. Respondent agrees to take necessary and prudent precautions to ensure compliance
16 with all provisions of ECCO in the future.

17 18. Respondent acknowledges that the Ethics Commission may impose increased fines
18 in connection with any future violations of the City's campaign laws.

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