

1 STACEY FULHORST, Executive Director
2 City of San Diego Ethics Commission
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Petitioner

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

In re the Matter of:) Case No.: 2019-17
)
PATRICK BATTEN,) **STIPULATION, DECISION, AND**
) **ORDER**
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. Patrick Batten is, and was during all times mentioned herein, a candidate for City Council District 5 in the 2020 election cycle. The Patrick Batten for City Council 2020 committee (Identification No. 1417345) [Committee] is a campaign committee registered with the State of California established to support Mr. Batten’s candidacy. At all relevant times herein, the Committee was controlled by Mr. Batten within the meaning of the California Political Reform Act, California Government Code section 82016. Mr. Batten 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. ECCO mandates that all committees that pay for campaign advertisements for the
3 purpose of supporting or opposing a City candidate or measure include the words “paid for by”
4 followed by the name and address of the committee. SDMC § 27.2970.

5 10. In May of 2019, the Committee paid for the production of a campaign banner that
6 was subsequently displayed at campaign-related events. The banner did not include the required
7 “paid for by” disclosure.

8 **Counts**

9 **Count 1 - Violation of SDMC section 27.2970**

10 11. Respondent violated SDMC section 27.2970 by producing and displaying a
11 campaign banner that did not include the required “paid for by” disclosure.

12 **Factors in Mitigation**

13 12. Respondent has fully cooperated with the Ethics Commission investigation.

14 **Conclusion**

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

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

19 15. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC section
20 27.2970. This amount must be paid no later than August 2, 2019, by check or money order
21 payable to the City Treasurer. The submitted payment will be held pending Commission
22 approval of this Stipulation and execution of the Decision and Order portion set forth below.

23
24 DATED: _____ [REDACTED]
25 Stacey Fulhorst, Petitioner
26 SAN DIEGO ETHICS COMMISSION

27 DATED: _____ [REDACTED]
28 PATRICK BATTEN, Respondent

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DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on August 8, 2019. 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: _____ [REDACTED]

Sid Voorakkara, Chair
SAN DIEGO ETHICS COMMISSION