STACEY FULHORST, Executive Director  
City of San Diego Ethics Commission  
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Telephone:  (619) 533-3476  

Petitioner  

BEFORE THE CITY OF SAN DIEGO  
ETHICS COMMISSION  

In re the Matter of:  
NOLI ZOSA,  
Respondent.  

Case No.:  2020-18  
STIPULATION, DECISION, AND ORDER  

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 City’s Election Campaign Control Ordinance [ECCO].  
2. At all times mentioned herein, Noli Zosa was a candidate for City Council District 7 in the March 2020 primary election, as well as the November 2020 general election. The Noli Zosa for Council 2020 committee (Identification No. 1415989) [Committee] was a campaign committee registered with the State of California established to support Mr. Zosa’s candidacy for Council District 7. At all relevant times herein, the Committee was controlled by Mr. Zosa within the meaning of the California Political Reform Act, California Government Code section 82016. Mr. Zosa is referred to herein as “Respondent.”
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. Because the Committee was formed for the purpose of supporting a candidate in a City of San Diego election, Respondent is required to comply with the provisions of ECCO.

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

11. Between May 2019 and October 2019, the Committee sent 164 emails to 12 City employees (at their sandiego.gov email addresses). The emails included invitations to fundraisers (some with minimum or suggested donation amounts), a link to the Committee’s online donation page, and/or a link to a printable invitation including a hard copy donation form. Of the 12 employees who received the emails, two donated to Respondent’s campaign.

Counts

Count 1 - Violation of SDMC section 27.2946

12. Respondent violated SDMC section 27.2946 when his Committee sent 164 emails to 12 City employees, at their City email addresses, that included a solicitation for campaign contributions.

Factors in Mitigation

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

14. Respondent has returned the contributions from two City employees who received the improper email solicitations.

Conclusion

15. Respondent agrees to take necessary and prudent precautions to ensure compliance with all provisions of the Election Campaign Control Ordinance in the future.

16. Respondent acknowledges that the Ethics Commission may impose increased fines in connection with any future violations of the City’s Election Campaign Control Ordinance.

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17. Respondent agrees to pay a fine in the amount of $500. This amount must be paid no later than November 6, 2020, 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: __________________  ______________________________________________

Noli Zosa, Respondent

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on _________, 2020. 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: __________________  ______________________________________________

Sid Voorakkara, Chair
SAN DIEGO ETHICS COMMISSION