SHARON SPIVAK, Executive Director  
City of San Diego Ethics Commission  
451 A Street, Suite 1410  
San Diego, CA 92101  
Telephone: (619) 533-3476

Petitioner

BEFORE THE CITY OF SAN DIEGO  
ETHICS COMMISSION

In re the Matter of:  
THE SAN DIEGO COUNTY DEMOCRATIC PARTY,  
Respondent.

STIPULATION  
THE PARTIES STIPULATE:

1. Petitioner Sharon Spivak 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 (Municipal Code and SDMC) relating to, among other things, the provisions of the Election Campaign Control Ordinance (ECCO), Municipal Code section 27.2901, et seq. All Municipal Code references in this Stipulation relate to provisions of ECCO that were in effect at the time of the actions described.

2. At all times mentioned in this Stipulation, the San Diego County Democratic Party (Respondent) was registered with the State of California (Identification No. 741906) as a general-purpose recipient committee.

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STIPULATION, DECISION, AND ORDER
3. This Stipulation will be submitted to the Ethics Commission for consideration at its next scheduled meeting. The agreements contained in this Stipulation are contingent upon the Ethics Commission’s approval of the Stipulation and the accompanying Decision and Order.

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 Municipal Code 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.
Summary of Law and Facts

9. Respondent is, and at all times relevant to this Stipulation was, registered with the State of California as a general-purpose committee and accepted contributions that it contributed to municipal campaigns in the City of San Diego (City). In 2018, Respondent made contributions of $2,000 or more to candidates for municipal office in the City and paid for written campaign advertisements, specifically door hangers, supporting Tommy Hough for City Council 2018. As a committee participating in the 2018 municipal election process, Respondent was required to comply with the provisions of ECCO.

10. ECCO requires any committee paying for written campaign advertisements supporting a City candidate to retain records identifying the date(s) of dissemination and the number of pieces disseminated for each piece of campaign literature. (SDMC § 27.2925(c)(1) and (d).) ECCO requires Respondent to make these records available to Ethics Commission staff upon request. (SDMC § 27.2925(f).) Such records are requested by the Ethics Commission staff during investigations into allegations of ECCO violations. In this case, the records were requested after an audit of the Tommy Hough for City Council 2018 committee revealed possible record-keeping violations of ECCO by the Respondent.

11. In 2018, Tommy Hough (Hough) was a candidate for the District 6 City Council seat. Respondent paid for door hangers supporting Hough’s candidacy. Though Respondent maintained records showing the dates, costs, and methods of distributing the door hangers, it did not maintain records of the exact number distributed.

Count

Count 1 - Violation of Municipal Code Section 27.2925 - Recordkeeping

12. Respondent violated Municipal Code section 27.2925 by failing to maintain legally required records relating to campaign literature, specifically documentation regarding the number of door hangers disseminated, as described above in paragraph 11.

Factors in Mitigation

13. Respondent fully cooperated with the Ethics Commission investigation.
14. Respondent made good faith efforts to comply with ECCO’s recordkeeping requirements and maintained most of the required information about the door hangers.

**Conclusion**

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

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

17. Respondent agrees to pay a fine in the amount of $500, for one violation of Municipal Code section 27.2925. This amount must be paid no later than January 31, 2022, by check or money order payable to the City Treasurer and submitted to the Ethics Commission. The submitted payment will be held pending Ethics Commission approval of this Stipulation and the execution of the Decision and Order portion set forth below.

DATED: _______________  ______________________________________________

[REDACTED]

Sharon Spivak, Petitioner
SAN DIEGO ETHICS COMMISSION

DATED: _______________  ______________________________________________

[REDACTED]

Ryan Hurd, Executive Director
SAN DIEGO COUNTY DEMOCRATIC PARTY

**DECISION AND ORDER**

The Ethics Commission considered the above Stipulation at its meeting on February 10, 2022. 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]

Bill Baber, Chair
SAN DIEGO ETHICS COMMISSION