



THE CITY OF SAN DIEGO
PRESS RELEASE

Ethics Commission

FOR IMMEDIATE RELEASE

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**ETHICS COMMISSION ANNOUNCES SETTLEMENT
WITH BALLOT MEASURE COMMITTEE AND ITS TREASURER
CONCERNING VIOLATIONS OF CAMPAIGN LAWS**

Stacey Fulhorst, Executive Director of the City of San Diego Ethics Commission, announced today the Commission's approval of a stipulated settlement agreement with the Yes on Propositions A, B & C Committee and its treasurer, William Baber. Mr. Baber has agreed to pay a \$10,000 fine in connection with his failure to timely and accurately report a \$25,000 nonmonetary contribution from the Sycuan Band of the Kumeyaay Nation, as well as his failure to alert the Committee's consultant that Sycuan had contributed more than \$50,000 and therefore had to be identified on the Committee's campaign advertisements. As a result of this failure, the Committee distributed a pre-recorded telephone message to approximately 33,000 individuals and households in support of Propositions A, B, and C without identifying Sycuan as a major donor to the Committee.

Ms. Fulhorst explained that the Committee received the nonmonetary contribution from Sycuan in the form of a payment to a slate mailer organization on May 22, 2008, and that campaign laws required the committee to disclose its receipt of the contribution within 48 hours. Not only did the Committee not timely disclose the Sycuan contribution, but when it did ultimately file a report on May 28, 2008, it inaccurately reported that the nonmonetary contribution had been received on May 27, 2008, thereby effectively concealing the fact that the

contribution was not being timely disclosed.

Ms. Fulhorst noted that the discovery of the violations occurred during the course of a random audit of the Committee's activities and "illustrates the importance of the Commission's Audit Program, which is critical to assuring the public that the information provided on campaign disclosure statements is accurate and complete."

Commission Chair, Clyde Fuller, related that the Commission determined that the imposition of the maximum fine of \$5,000 per count was appropriate given the factors in aggravation. Specifically, he pointed to the concealment of the late disclosure and the important public policy considerations in requiring disclosure of major donors on campaign advertisements. He added that, "If the Committee had simply admitted that it made a mistake in not timely reporting the Sycuan contribution, the fine would have been substantially lower."

Ethics Commission fines are paid to the City of San Diego's General Fund. The stipulated settlements approved by the Commission resolve all factual and legal issues without the necessity of holding an administrative hearing.

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