

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

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

9
10 In re the Matter of:) Case No.: 2014-05
11 DWAYNE CRENSHAW,)
12 Respondent.) **STIPULATION, DECISION, AND**
13) **ORDER**
_____)

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 City's Election Campaign
20 Control Ordinance [ECCO].

21 2. At all times mentioned herein, Dwayne Crenshaw was a candidate for City Council
22 District 4 in the March 26, 2013, special election, and the May 21, 2013, special runoff election.
23 The Crenshaw for City Council 2013 committee [Committee] is a campaign committee
24 registered with the State of California (Identification No. 1354758) that was established to
25 support Mr. Crenshaw's candidacy for Council District 4. At all relevant times herein, the
26 Committee was controlled by Mr. Crenshaw within the meaning of California Government Code
27 section 82016. Mr. Crenshaw is referred to 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 to hold the City of San Diego harmless from any and all claims or damages resulting from the
14 Commission's investigation or this stipulated agreement, or any matter reasonably related
15 thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with
16 the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a
17 reference to each violation, and an order.

18 6. Respondent acknowledges that this Stipulation is not binding upon any other law
19 enforcement or government agency and does not preclude the Ethics Commission from referring
20 this matter to, cooperating with, or assisting any other law enforcement or government agency
21 with regard to this or any other related matter.

22 7. The parties agree that in the event the Ethics Commission refuses to accept this
23 Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics
24 Commission rejects the Stipulation and a full evidentiary hearing before the Ethics Commission
25 becomes necessary, no member of the Ethics Commission or its staff shall be disqualified
26 because of prior consideration of this Stipulation.

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1 **Summary of Law and Facts**

2 8. 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
4 Code section 84211(f) requires disclosure of the following information for contributions:

5 If the cumulative amount of contributions (including loans) received from a
6 person is one hundred dollars (\$100) or more and a contribution or loan has been
7 received from that person during the period covered by the campaign statement,
8 all of the following:

- 9 (1) His or her full name.
10 (2) His or her street address.
11 (3) His or her occupation.
12 (4) The name of his or her employer, or if self-employed, the name of the
13 business.
14 (5) The date and amount received for each contribution received during the
15 period covered by the campaign statement and if the contribution is a
16 loan, the interest rate for the loan.
17 (6) The cumulative amount of contributions.

18 9. On May 9, 2013, the Committee filed a pre-election campaign statement covering
19 the period from March 10, 2013, through May 4, 2013, and failed to disclose 5 contributions
20 totaling \$1,300. In addition, on July 31, 2013, the Committee filed a post-election campaign
21 statement covering the period from May 5, 2013, through June 30, 2013, and failed to disclose
22 16 contributions totaling \$3,200.

23 10. California Government Code section 84211(k) requires disclosure of the following
24 information for expenditures:

25 For each person to whom an expenditure of one hundred dollars (\$100) or more
26 has been made during the period covered by the campaign statement, all of the
27 following:

- 28 (1) His or her full name.

1 (2) His or her street address.

2 (3) The amount of each expenditure.

3 (4) A brief description of the consideration for which each expenditure
4 was made.

5 11. On May 9, 2013, the Committee filed a pre-election campaign statement covering
6 the period from March 10, 2013, through May 4, 2013, and failed to disclose 4 expenditures
7 totaling \$6,777. On July 31, 2013, and February 4, 2014, the Committee filed initial and
8 amended post-election campaign statements covering the period from May 5, 2013, through June
9 30, 2013, and failed to disclose 24 expenditures totaling \$12,113.

10 12. SDMC section 27.2925 requires candidates and committees to maintain records in
11 accordance with Fair Political Practices Commission Regulation 18401. With respect to
12 contributions of \$100 or more, the records must include information regarding the occupation
13 and employer of the contributor. With respect to expenditures of \$25 or more, the records must
14 contain the payment date, amount, payee, and a description of the goods or services for which
15 the expenditure was made.

16 13. Respondent failed to maintain records reflecting the occupation and employer
17 information for 32 contributions totaling \$8,850. In addition, Respondent failed to maintain
18 invoices, receipts, or other supporting documentation for expenditures totaling \$12,437.

19 **Counts**

20 **Counts 1 and 2 – Violations of SDMC section 27.2930**

21 14. Respondent violated SDMC section 27.2930 when he filed the campaign statements
22 described above in paragraph 9 and failed to disclose 21 contributions totaling \$4,500.

23 15. Respondent violated SDMC section 27.2930 when he filed the campaign statements
24 described above in paragraph 11 and failed to disclose 28 expenditures totaling \$18,890.

25 **Count 3 – Violations of SDMC section 27.2925**

26 16. Respondent violated SDMC section 27.2925 by failing to maintain records
27 reflecting the occupation and employer information for 32 contributions totaling \$8,850, and by
28 failing to maintain invoices, receipts, or other supporting documentation for expenditures

1 totaling \$12,437.

2 **Factors in Mitigation**

3 17. Respondent has fully cooperated with the Commission’s investigation.

4 **Conclusion**

5 18. Respondent agrees to take necessary and prudent precautions to comply with all
6 provisions of the Election Campaign Control Ordinance in the future.

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

9 20. Respondent agrees to pay a fine in the amount of \$5,000 for violating SDMC
10 sections 27.2925 and 27.2930. This amount must be paid by check or money order made
11 payable to the City Treasurer no later than September 30, 2015. Respondent acknowledges that if
12 the fine is not timely paid in full, the Commission may refer the collection of the fine to the City
13 Treasurer’s Collection Division, which may pursue any or all available legal remedies to recover
14 late penalties, interest, and costs, in addition to seeking the outstanding balance owed.

15 [REDACTED]

16 DATED: _____

17 _____
STACEY FULHORST, Executive Director
ETHICS COMMISSION, Petitioner

18 [REDACTED]

19 DATED: _____

20 _____
DWAYNE CRENSHAW, Respondent

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22 **DECISION AND ORDER**

23 The Ethics Commission considered the above Stipulation at its meeting on April 9, 2015.
24 The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the
25 Stipulation, Respondent pay a fine in the amount of \$5,000.

26 [REDACTED]

27 DATED: _____

28 _____
JOHN C. O’NEILL, Chair
SAN DIEGO ETHICS COMMISSION