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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.: 2014-23
11 SARAH BOOT,)
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, Sarah Boot was a candidate for City Council District
22 2 in the primary election on June 3, 2014. The Sarah Boot for City Council 2014 committee
23 [Committee] is a campaign committee registered with the State of California (Identification No.
24 1359642) established to support Ms. Boot’s candidacy for City Council District 2. At all
25 relevant times herein, the Committee was controlled by Ms. Boot within the meaning of the
26 California Political Reform Act, California Government Code section 82016. Ms. Boot is
27 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. Because the Committee was formed for the purpose of supporting a candidate in a
3 City of San Diego election, Respondent is required to comply with the provisions of ECCO.

4 9. ECCO mandates that all committees that pay for mass campaign literature (200
5 substantially similar pieces of campaign literature) for the purpose of supporting or opposing a
6 City candidate or measure include the words “paid for by” followed by the name and address of
7 the committee. SDMC § 27.2970. This disclosure must be made in a typeface that is easily
8 legible, contrasts with the background, and is no less than 12 points in size. *Id.*

9 10. In late May and early June 2014, the Committee produced and distributed the
10 campaign walk piece attached as Exhibit A, which did not contain a “paid for by” disclosure as
11 required by ECCO. The Committee realized its mistake shortly after it began disseminating the
12 walk piece. A Committee representative immediately contacted the Ethics Commission staff and
13 reported that the Committee would remedy the mistake by adding stickers with the requisite
14 disclosure to the remaining walk pieces. Therefore, although 13,000 copies of the walk piece
15 were initially produced, only 3,278 were distributed without the requisite disclosure.

16 **Counts**

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

18 11. Respondent violated SDMC section 27.2970 by producing and distributing mass
19 campaign literature that did not contain a “paid for by” disclosure.

20 **Factors in Mitigation**

21 12. The Commission’s investigation revealed that Respondent reasonably relied on
22 campaign consultant Andrew Kennedy to comply with ECCO when designing and printing the
23 walk piece. This consultant has acknowledged his mistake and has agreed to pay the fine
24 referenced below in Paragraph 16.

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

26 **Conclusion**

27 14. Respondent agrees to take necessary and prudent precautions to comply with all
28 provisions of ECCO in the future.

EXHIBIT A

Our neighborhoods
need leadership we can trust.

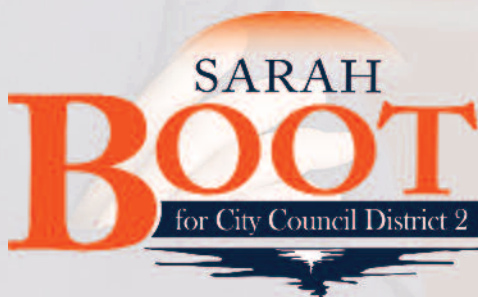
We need Democrat
**SARAH
BOOT.**



On the City Council,
Sarah will:

- PUT OUR NEIGHBORHOODS FIRST – not the downtown insiders;
- GUARD the 30-foot height limit;
- DEMAND sensible gun laws;
- PROTECT our bays and beaches;
- FIGHT TO REDUCE WASTEFUL SPENDING at City Hall – and oppose car allowances and pensions for city council members.

**VOTE on TUESDAY,
June 3rd for Democrat**



VOTE this Tuesday for Sarah Boot.

The overwhelming choice to represent us on the City Council, Sarah Boot is endorsed by:

- San Diego Firefighters
- San Diego Lifeguards
- Planned Parenthood Action Fund
- The Sierra Club
- The League of Conservation Voters
- The Brady Campaign to Prevent Gun Violence
- Assembly Speaker Toni Atkins
- Former Councilwoman Donna Frye

POLLS OPEN 7 A.M. TO 8 P.M.

Vote-by-mail voters can take their ballots to the polls!

In the June 3 City Council Primary, vote for

SARAH
BOOT
for City Council District 2

FOR OUR NEIGHBORHOODS.
FOR OUR FUTURE.



www.sarahboot4citycouncil.com



YOUR POLLING LOCATION IS: