

1 STACEY FULHORST, Executive Director
City of San Diego Ethics Commission
2 1010 Second Avenue, Suite 1530
San Diego, CA 92101
3 Telephone: (619) 533-3476
4

5 Petitioner

6
7 **BEFORE THE CITY OF SAN DIEGO**
8 **ETHICS COMMISSION**
9

10 In re the Matter of:) Case No.: 2020-18
11)
NOLI ZOSA,) **STIPULATION, DECISION, AND**
12) **ORDER**
Respondent.)
13)
_____)

14
15 **STIPULATION**

16 **THE PARTIES STIPULATE AS FOLLOWS:**

17 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics
18 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,
19 implement, and enforce local governmental ethics laws contained in the San Diego Municipal
20 Code [SDMC] relating to, among other things, the provisions of the City’s Election Campaign
21 Control Ordinance [ECCO].

22 2. At all times mentioned herein, Noli Zosa was a candidate for City Council District 7
23 in the March 2020 primary election, as well as the November 2020 general election. The Noli
24 Zosa for Council 2020 committee (Identification No. 1415989) [Committee] was a campaign
25 committee registered with the State of California established to support Mr. Zosa’s candidacy for
26 Council District 7. At all relevant times herein, the Committee was controlled by Mr. Zosa
27 within the meaning of the California Political Reform Act, California Government Code section
28 82016. Mr. Zosa is referred to herein as “Respondent.”

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 that the terms of this Stipulation constitute compliance with the provisions of SDMC section
14 26.0450 in that the Stipulation includes a recitation of facts, a reference to each violation, and an
15 order.

16 6. Respondent agrees to hold the City of San Diego and the Ethics Commission
17 harmless from any and all claims or damages resulting from the Commission's investigation, this
18 stipulated agreement, or any matter reasonably related thereto.

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

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

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1 **Summary of Law and Facts**

2 9. 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 10. ECCO prohibits City candidates from directly or indirectly soliciting campaign
5 contributions from persons they know to be City employees. SDMC §27.2946. In order to avoid
6 violations of this law, candidates are advised to comb their email lists and remove those that end
7 with a domain name associated with the City of San Diego or any of its agencies (e.g.,
8 sandiego.gov).

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

14 **Counts**

15 **Count 1 - Violation of SDMC section 27.2946**

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

19 **Factors in Mitigation**

20 13. Respondent fully cooperated with the Ethics Commission's investigation.

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

23 **Conclusion**

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

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

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1 17. Respondent agrees to pay a fine in the amount of \$500. This amount must be paid
 2 no later than November 6, 2020, by check or money order payable to the City Treasurer. The
 3 submitted payment will be held pending Commission approval of this Stipulation and execution
 4 of the Decision and Order portion set forth below.

5
 6 [REDACTED]
 7 DATED: _____
 8 Stacey Fulhorst, Petitioner
 9 SAN DIEGO ETHICS COMMISSION

10 [REDACTED]
 11 DATED: _____
 12 Noli Zosa, Respondent

13 **DECISION AND ORDER**

14 The Ethics Commission considered the above Stipulation at its meeting on _____,
 15 2020. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
 16 with the Stipulation, Respondent pay a fine in the amount of \$500.

17
 18 [REDACTED]
 19 DATED: _____
 20 Sid Voorakkara, Chair
 21 SAN DIEGO ETHICS COMMISSION