

1 STACEY FULHORST, Executive Director  
2 City of San Diego Ethics Commission  
3 1010 Second Avenue, Suite 1530  
4 San Diego, CA 92101  
5 Telephone: (619) 533-3476  
6 Facsimile: (619) 533-3448

6 Petitioner

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

9  
10 In re the Matter of: ) Case No.: 2013-26 (MC)  
11 )  
12 ) **STIPULATION, DECISION, AND**  
13 ) **ORDER**  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

11 MARC CHASE,  
12 Respondent.

14 **STIPULATION**

15 **THE PARTIES STIPULATE AS FOLLOWS:**

16  
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, Marc Chase was the owner and managing member of  
23 West Coast Acquisitions, LLC and South Beach Acquisitions, Inc. Together, these entities did  
24 business as Symbolic Motor Car Company, a luxury automobile dealership based in La Jolla,  
25 California. Mr. Chase is referred to herein as “Respondent.”

26 3. This Stipulation will be submitted for consideration by the Ethics Commission at its  
27 next scheduled meeting, and the agreements contained herein are contingent upon the approval  
28 of the Stipulation and the accompanying Decision and Order by the Ethics Commission.



1           9. In order to prevent circumvention of the \$500 contribution limit, ECCO prohibits  
2 any person from making a contribution on behalf of another, or while acting as an intermediary  
3 or agent of another, without disclosing to the recipient the true source of the funds. SDMC §  
4 27.2944. Requiring the identity of the true source making a contribution serves to ensure that no  
5 one contributes more than \$500 to a candidate. Making a contribution on behalf of another  
6 without the requisite disclosure is prohibited by ECCO because it deprives the public of  
7 important information concerning the identity of campaign donors

8           10. ECCO also prohibits any person from counseling, aiding, abetting, advising, or  
9 participating with any other person to commit a violation of ECCO. SDMC § 27.2991.

10           11. On approximately December 29, 2011, Respondent made a contribution in the  
11 amount of \$500 to the Bonnie Dumanis for Mayor 2012 committee [Dumanis Mayoral  
12 Committee]. At the time he made this contribution, Respondent was acting as an intermediary  
13 for one of his customers, Jose Susumo Azano Matsura [Azano], who was the true source of the  
14 funds. Respondent did not disclose this fact to the Dumanis Mayoral Committee.

15           12. On approximately September 27, 2012, Respondent made a contribution in the  
16 amount of \$120,000 through his company, South Beach Acquisitions, Inc., to the San Diegans in  
17 Support of Bob Filner for Mayor 2012 committee [Filner IE Committee], a committee that was  
18 not controlled by the candidate but instead made independent expenditures to support his  
19 candidacy. At the time he made this contribution, Respondent was acting as an intermediary for  
20 Azano, who was the true source of the funds. Respondent did not disclose this fact to the Filner  
21 IE Committee.

22           13. On approximately October 4, 2012, Respondent made a contribution in the amount  
23 of \$30,000 through his company, West Coast Acquisitions, LLC, to the San Diego County  
24 Democratic Party Committee [Democratic Party], which then made expenditures to support the  
25 mayoral candidacy of Bob Filner. At the time he made this contribution, Respondent was acting  
26 as an intermediary for Azano, who was the true source of the funds. Respondent did not disclose  
27 this fact to the Democratic Party.

28 ///



1 **Counts 2 and 3 - Violation of SDMC section 27.2944**

2 18. Respondent violated SDMC section 27.2944 by making a \$120,000 contribution to  
3 the Filner IE Committee on behalf of Azano without disclosing that Azano was the true source of  
4 the funds.

5 19. Respondent violated SDMC section 27.2944 by making a \$30,000 contribution to  
6 the Democratic Party on behalf of Azano without disclosing that Azano was the true source of  
7 the funds.

8 **Counts 4 through 15 - Violations of SDMC section 27.2991**

9 20. Respondent violated SDMC section 27.2991 by aiding and abetting Azano in the  
10 making of 12 contributions to the Dumanis Mayoral Committee in the names of the straw donors  
11 identified above in paragraph 14, without disclosing that Azano was the true source of the funds.

12 **Count 16 - Violation of SDMC section 27.2991**

13 21. Respondent violated SDMC section 27.2991 by aiding and abetting Azano in the  
14 making of 13 contributions totaling \$6,500 to a City candidate, an amount far in excess of the  
15 \$500 contribution limit.

16 **Factors in Mitigation**

17 22. Respondent cooperated with the Commission's investigation.

18 **Conclusion**

19 23. Respondent agrees to take necessary and prudent precautions to comply with all  
20 provisions of ECCO in the future.

21 24. Respondent acknowledges that the Ethics Commission may impose increased fines  
22 in connection with any future violations of the City's campaign laws.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 25. Respondent agrees to pay a fine in the amount of \$80,000 for violating SDMC  
2 sections 27.2944 and 27.2991. This amount must be paid no later than April 9, 2014, by check  
3 or money order made payable to the City Treasurer. The submitted payment will be held  
4 pending Commission approval of this Stipulation and execution of the Decision and Order  
5 portion set forth below.

6 [REDACTED]

7 DATED: \_\_\_\_\_  
8 STACEY FULHORST, Executive Director  
9 ETHICS COMMISSION, Petitioner

10 [REDACTED]

11 DATED: \_\_\_\_\_  
12 MARC CHASE, Respondent

13  
14 **DECISION AND ORDER**

15 The Ethics Commission considered the above Stipulation at its meeting on April 10,  
16 2014. The Ethics Commission hereby approves the Stipulation and orders that, in accordance  
17 with the Stipulation, Respondent pay a fine in the amount of \$80,000.

18  
19 [REDACTED]

20 DATED: \_\_\_\_\_  
21 JOHN C. O'NEILL, Vice Chair  
22 SAN DIEGO ETHICS COMMISSION  
23  
24  
25  
26  
27  
28