

1 SHARON SPIVAK, Executive Director  
City of San Diego Ethics Commission  
2 451 A Street, Suite 1410  
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 Nos.: 2023-16  
11 )  
TODD GLORIA, ) **STIPULATION, DECISION, AND**  
12 ) **ORDER**  
Respondent. )  
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14 )

15 **STIPULATION**

16 **THE PARTIES STIPULATE:**

17 1. Petitioner Sharon Spivak is the Executive Director of the City of San Diego  
18 Ethics Commission (Ethics Commission). The Ethics Commission is charged with  
19 administering, implementing, and enforcing local governmental ethics laws in the  
20 San Diego Municipal Code (SDMC) relating to, among other things, the provisions of the  
21 Ethics Ordinance, SDMC section 27.3501, *et seq.*

22 2. At all times referenced in this Stipulation, Todd Gloria was the elected Mayor  
23 of the City of San Diego. Mayor Gloria is referred to herein as "Respondent."

24 3. This Stipulation will be submitted to the Ethics Commission for consideration  
25 at its next meeting. The agreements in this Stipulation are contingent upon the Ethics  
26 Commission's approval of the Stipulation and the accompanying Decision and Order.

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1           4.       This Stipulation resolves all factual and legal issues raised in this matter by  
2 the Ethics Commission without the need for an administrative hearing to determine the  
3 Respondent's liability.

4           5.       Respondent understands and knowingly and voluntarily waives any  
5 procedural rights under the SDMC, including, but not limited to: a determination of probable  
6 cause, the issuance and receipt of an administrative complaint, the right to appear  
7 personally in any administrative hearing held in this matter, the right to confront and cross-  
8 examine witnesses testifying at the hearing, the right to subpoena witnesses to testify at the  
9 hearing, and the right to have the Ethics Commission or an impartial hearing officer hear  
10 this matter.

11           6.       Respondent agrees that the terms of this Stipulation constitute compliance  
12 with the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of  
13 facts, a reference to each violation, and an order.

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

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

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

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1 **Summary of Law and Facts**

2 10. The City's Ethics Ordinance requires elected City Officials to file a Fair  
3 Political Practices Commission Form 803 Behested Payment Report (Form 803) whenever  
4 a person or entity makes payments totaling \$5,000 or more in a calendar year for a  
5 legislative, governmental, or charitable purpose at the behest of the City Official. The Form  
6 803 must be filed with the City Clerk within 30 calendar days of a donor meeting the \$5,000  
7 threshold and within 30 calendar days of any subsequent payments made by the same  
8 donor. (SDMC § 27.3515.)

9 11. The definition of a City Official includes any elected City officeholder. (SDMC  
10 § 27.3503). As the elected Mayor of San Diego, Respondent was a City Official at all times  
11 referenced in this Stipulation.

12 12. In early 2021, For All of Us (FAU) was established as a charitable  
13 organization that "may contribute to activities on behalf of the Mayor of San Diego." FAU  
14 has no corporate identity in and of itself, but at the time the events in this Stipulation  
15 occurred, FAU operated under a fiscal sponsor called Mission Edge (ME). ME is a  
16 registered 501(c)(3) organization that allowed its sponsored entity to operate as a 501(c)(3)  
17 without having to separately register with the Internal Revenue Service.

18 13. A review of Forms 803 filed by Respondent between January 1, 2021 and  
19 August 15, 2023, revealed that Forms 803 reporting the following payments made for  
20 charitable, legislative, or governmental purposes at Respondent's behest were not timely  
21 filed:

22 A. On June 16, 2021, FAU paid Behind the Scenes Hospitality \$5,748.19 to  
23 cater a frontline worker "thank you" event. Respondent filed a Form 803 to disclose this  
24 payment on May 25, 2023, 679 days late.

25 B. On August 8, 2021, FAU paid Shake Shack \$3,000 to cater a back-to-  
26 school event and paid Amazon \$2,974.31 for school supplies. Respondent filed a Form 803  
27 to disclose these payments on May 25, 2023, 626 days late.

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1 C. On November 5, 2021, Gail and John Eyler donated \$6,000 to the  
2 San Diego Fire Department to purchase equipment. Respondent filed a Form 803 to  
3 disclose this donation on March 8, 2022, 93 days late.

4 D. On May 19, 2022, Sycuan, Marvin K. Brown, Manpower San Diego,  
5 Sudberry Properties, and East West Bank each donated \$5,000 to FAU, for a total of  
6 \$25,000. Respondent filed Forms 803 to disclose these donations on May 25, 2023, 340  
7 days late.

8 E. On June 14, 2022, SP+ Corp. donated \$5,000 to FAU. Respondent filed a  
9 Form 803 to disclose this donation on May 25, 2023, 316 days late.

10 F. On June 27, 2022, FAU paid Futura Color, Inc. \$1,850.61 for giveaway  
11 items. This payment was reportable as FAU had already met the \$5,000 reporting threshold  
12 for 2022. Respondent filed a Form 803 to disclose this payment on May 25, 2023, 303 days  
13 late.

14 G. On July 5, 2022, FAU paid Pride Flag SD \$5,383.19 for a flag to donate to  
15 the City and Allegra \$2,099.78 for giveaway items. Respondent filed a Form 803 to disclose  
16 these payments on May 25, 2023, 295 days late.

17 H. On July 22, 2022, FAU paid Paving Great Futures \$1,952.85 for a  
18 Juneteenth event. This payment was reportable as FAU had already met the \$5,000  
19 reporting threshold for 2022. Respondent filed a Form 803 to disclose this payment on May  
20 25, 2023, 277 days late.

21 I. On October 21, 2022, FAU paid the San Diego Zoo \$2,180.86 for food and  
22 beverages provided for a strategic planning retreat. This payment was reportable as FAU  
23 had already met the \$5,000 reporting threshold for 2022. Respondent filed a Form 803 to  
24 disclose this payment on May 25, 2023, 186 days late.

25 J. On January 11, 2023, the Asian Business Association paid Service America  
26 Corp. dba Centerplate @ SD Theaters \$6,388.49 for a State of the City reception.  
27 Respondent filed a Form 803 to disclose this payment on May 25, 2023, 105 days late.

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1 **Counts**

2 **Counts 1 through 10 – Violations of SDMC Section 27.3515**

3 14. Respondent violated SDMC section 27.3515 by failing to timely file Forms  
4 803 to disclose behested payments, as described in paragraph 13(A-J).

5 **Factors in Mitigation**

6 15. Respondent fully cooperated with Ethics Commission staff.

7 16. Respondent’s staff filed the late Forms 803 upon discovering that they had  
8 not been filed, before being contacted by Ethics Commission staff.

9 17. Respondent had an established procedure in place to ensure that FAU  
10 provided information to his staff to enable them to timely file the Forms 803.

11 **Conclusion**

12 18. Respondent agrees to take necessary and prudent precautions to ensure  
13 compliance with all provisions of the Ethics Ordinance in the future.

14 19. Respondent acknowledges that the Ethics Commission may impose  
15 increased fines in connection with any future violations of the City’s ethics laws.

16 20. Respondent agrees to pay a fine in the amount of \$10,500 for violations of  
17 SDMC section 27.3515. This amount must be paid by April 2, 2024, by check or money  
18 order payable to the City Treasurer. The submitted payment will be held pending  
19 Commission approval of this Stipulation and execution of the Decision and Order portion set  
20 forth below.

21 DATED: \_\_\_\_\_ [REDACTED]  
22 Sharon Spivak, Petitioner  
23 SAN DIEGO ETHICS COMMISSION

24 DATED: \_\_\_\_\_ [REDACTED]  
25 Mayor Todd Gloria  
26 RESPONDENT

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**DECISION AND ORDER**

The Ethics Commission considered the above Stipulation at its April 11, 2024 meeting. The Ethics Commission hereby approves the Stipulation and orders that, per the Stipulation, the Respondent pay a fine in the amount of \$10,500.

DATED: \_\_\_\_\_ [REDACTED]  
\_\_\_\_\_ Caridad Sanchez, Chair  
SAN DIEGO ETHICS COMMISSION