

October 29, 2018

Via Facsimile & U.S. Mail
(619) 533-3448

Ms. Stacey Fulhorst
City of San Diego Ethics Commission
1010 Second Avenue, Suite 1530
San Diego, CA 92101

Re: Tommy Hough Complaint regarding Chris Cate

Dear Ms. Fulhorst:

This office represents Tommy Hough with respect to a Complaint he filed with your office on or about September 25, 2018, involving Councilmember Chris Cate. The Complaint related to late reporting of behested payments. As you know, Mr. Cate is running for re-election in the municipal election scheduled for Tuesday, November 6, 2018.

In your letter to Mr. Hough, you advised him that your office would conclude a Preliminary Review of the Complaint within 15 calendar days, given that the Complaint was received within "90 days of a municipal election and alleges violations by a candidate seeking office at that election."

Based on your representation, the Preliminary Review should have concluded no later than October 10, 2018. I assume you would have handled this matter expeditiously. I know on our case approximately eight years ago involving a councilmember's late disclosure of payments (*even after an election*), you argued for an aggressive sanction against my client premised upon *the voters' right to know*, even though that councilmember did not face election for another 3 or 3½ years.

Here, we have a councilmember up for re-election and a Complaint of a potential ethics violation during the campaign for re-election, which is why you have an expedited Preliminary Review in such circumstances.

We would like to know the status of this matter. The Ethics Commission was scheduled to meet on October 11, 2018. If this matter went forward, it would have been presented at that meeting. Can you give us a status?

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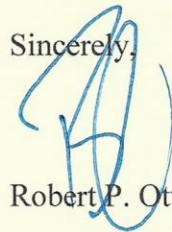
In your letter to Mr. Hough of September 25, 2018, you state that if the matter went forward, Mr. Hough would not receive notice; on the other hand, if the matter was dismissed, he would be notified.

Please confirm that after the meeting of October 11, 2018, or at any time prior thereto, Mr. Hough has not been notified of a dismissal of the action. If you can provide him further information, please do so.

Further, given how you handled my other disclosure case, and the importance you personally placed on making sure voters had all information to make informed decisions, can you guarantee that this Complaint will be resolved before the election?

Thank you very much.

Sincerely,



Robert P. Otilie

RPO:mau
cc: Tommy Hough