

November 1, 2018

Via E-Mail and U.S. Mail

sfulhorst@sandiego.gov

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:

On Monday of this week, I corresponded with you regarding my client, Tommy Hough. I have received no response.

At a minimum, I had asked you to confirm that you have *not* communicated to my client since he filed the Complaint that the complaint has dismissed. You promised him in prior correspondence that he would be notified if the Complaint was dismissed. He simply wanted a courtesy notice that he has not missed such a communication.

You have also not communicated to my client that this matter was not presented to the Ethics Commission at its meeting on October 16th.

From this, my client will draw the only conclusion possible, which is that the matter has not been dismissed, and in fact has been accepted by the full Ethics Commission for a formal investigation, and that investigation was authorized on October 16th.

The issue now becomes whether this investigation will be completed promptly. It is a disclosure claim that, given my extensive experience in local politics in San Diego for 39 years, could be concluded in 24-48 hours. I assume you have had an opportunity to adequately investigate by now.

Your own rules require an expedited Preliminary Investigation in the case of a reported violation within 90 days of an election. The standard 30 days that you have to conduct that investigation is reduced to 15.

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The intent behind that provision is to guarantee that voters know the outcome of the investigation before the election, if that is at all possible. Here, it is possible.

The only way this investigation would not be concluded before the election (if begun either on September 25th or October 16th), and announced publicly, would be if you intentionally created a time table to conclude the investigation after the election.

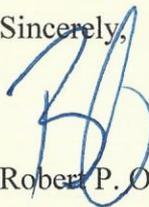
You and I worked together on a disclosure matter in 2009 and 2010. Then, you pursued an *aggressive* sanction against my client, who inadvertently failed to disclose a debt *47 months* before her election. When we contended your position was misguided or disingenuous, you personalized the matter and suggested that I *followed no rules*.

Here, we actually have a rule that expedites investigations in the 90 days before an election. Here, we also have what potentially is an intentional disclosure issue, within 90 days of an election, not 47 months out. Are you following the rules?

Please advise immediately if my client is in error that you have not sent him a dismissal notice and if he has erred in his understanding that this matter formally proceeded on October 16th. Please also advise the outcome of this matter before the election.

Thank you.

Sincerely,



Robert P. Otilie

RPO:mau
cc: Tommy Hough