

# San Diego's mayor accused of misconduct

**GOVERNMENT:** Grand jury alleges the official used her influence to gain business backing for a new ballpark.

By MICHELLE WILLIAMS  
The Associated Press



JOHN R. McCUTCHEN/Union Tribune

**SUSAN GOLDING:** The two-term San Diego mayor says allegations that she misused her influence are groundless.

SAN DIEGO — Mayor Susan Golding has been accused by a grand jury of improperly using her influence to secure a business group's backing for a new stadium for baseball's San Diego Padres.

The grand jury did not bring criminal charges. Instead, it recommended the district attorney pursue a civil misconduct case.

If Golding is found to have committed misconduct, the two-term mayor could be removed from office. However, term limits prevent her from running for re-election in 2000, when her term expires.

"The allegations are groundless," the mayor said. "I sleep very well at night."

The grand jury alleged that the mayor offered to support a \$4 million allocation for a hotel-motel association advertising program in exchange for the organization's support of a ballpark ballot measure.

The ballpark project was approved by voters last November. The \$411 million venture is to be financed in part with \$225 million in municipal bonds secured by hotel-room tax revenue. The ballpark is set for completion by 2002.

District Attorney Paul Pfingst said Thursday that he will decide within 30 days whether to bring a case.

"It would be wrong, unfair and just plain jumping the gun to assume that because an accusation is made by a grand jury that it

has been proved," he said.

The only punishment for a public official found to have committed civil misconduct is removal from office. That could only occur after a jury trial.

The county grand jury term ends Wednesday. Since it was seated last year, the panel has criticized many public officials, and has itself been criticized for its reports. The grand jury has no recourse if the district attorney decides the case has no merit.

John Wertz, the mayor's attorney, said he believes Pfingst will find that the grand jury jumped the gun, and called the panel "a rogue bunch of citizens."

Grand jury foreman Peter DiRenza defended the panel, saying they were working in the best interests of the public.

"It is not directed at the mayor personally. It's directed at what the mayor did," he said, adding there was no political agenda on the ballpark.

"I voted for the ballpark," DiRenza said. "If they build the ballpark, I'll go to it."

FOR MORE INFORMATION CONTACT  
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## Grand Jury

COUNTY OF SAN DIEGO  
 230 West Broadway, Suite 477  
 San Diego, CA 92101-3830  
 (619) 515-8707  
 (619) 515-8098 FAX

Peter J. DiRenza, Foreman

June 15, 1999

  
 JUN 23 1999  
 By: [Signature] Deputy

Paul J. Pfingst, District Attorney  
 County of San Diego  
 Hall of Justice, 13<sup>th</sup> Floor  
 330 West Broadway  
 San Diego, CA 92101

**Subject: Accusation of Misconduct in Office Against Susan Golding, Mayor of the City of San Diego**

References: §919(e), Penal Code of the State of California  
 §922, Penal Code of the State of California  
 §3060, California Government Code  
 §3061, California Government Code  
 §3062, California Government Code

Dear Mr. Pfingst:

On May 27, 1999, in accordance with the above references, and with the concurring vote of at least twelve of its members, the 1998-1999 San Diego County Grand Jury adopted an accusation for the removal from office of Susan Golding, Mayor of the City of San Diego, on two counts of misconduct in office.

The misconduct in office charged consists of:

Count 1. Willful misconduct in offering to propose and support an annual \$4 million Transient Occupancy Tax (TOT) income allocation to the San Diego County Hotel-Motel Association (HMA) visitor marketing program, in exchange for that organization's support of Proposition C in the election of November 3, 1998.

**Attachments****Count 1****Transcripts of Testimony**

Vol. #1, page 9, lines 13-17  
Vol. #1, page 15, lines 2, 3, 6-10  
Vol. #1, page 29, lines 1-19  
Vol. #2, page 42, lines 21-28  
page 43, lines 3, 4, 5, 19-21  
Page 44, lines 20-23  
Page 46, lines 15-28  
Page 47, lines 3-6  
Page 49, lines 5, 6, 19-21  
Page 50, lines 2-5  
Page 51, lines 3-7, 14-16  
Page 52, lines 4-9, 17-25  
Page 56, lines 17-23  
Page 57, lines 3-17  
Vol. #3, page 100, lines 5-9  
Page 101, lines 1-7, 13-16  
Page 106, lines 5-7  
Page 107, lines 18-21  
Page 108, lines 19-22  
page 121, lines lines 24, 25  
Page 122, lines 16-28  
Page 123, lines 20-28  
Page 124, lines 14-16  
Page 134, lines 4-6  
page 135, lines 5-17  
Vol. #5 Testimony of Mayor Susan Golding, dated May 11, 1999.

**Documents:**

Memorandum from Lealle J. Girard, Assistant City Attorney, City of San Diego to John Cunningham, Grand Jury, dated April 2, 1999, transmitting City Council Policy 000-4, Administrative Regulation 95.60, "Code of Ethics"  
"Agreement Between H.M.A. & The Office of the Mayor of San Diego", effective August 1, 1994  
San Diego County Hotel-Motel Association: Memorandum to Mayor Susan Golding, dated October 6, 1998  
San Diego County Hotel-Motel Association Board of Directors Meeting Minutes of October 8, 1999  
Mayor Susan Golding, Memorandum to City Council, October 8, 1999

San Diego County Hotel-Motel Association Board of Directors Meeting Minutes  
of October 13, 1998

Memorandum, dated September 10, 1998 from Gwinn to Uberuaga-Subject:  
Election Activities

Grand Jury Report issued June 4, 1999, entitled "*Use of City Resources to  
Influence Elections; The City of San Diego Redevelopment and Ballpark Project:  
Proposition C, Election of November 3, 1998.*"

Count 1 (continued)

List of Witnesses

Scott Barnett  
Paul Corsina  
Leslie Girard  
Susan Golding  
Pamela Fraser  
Casoy Gwinn  
Bruce Herring  
Rick Mansur  
Rosemarie Starns  
Michael Uberuaga  
Karima Zaki  
Jennifer Zouvas

Count 2

Documents

Exhibit A: City of San Diego Municipal Code, sections #26.1101 through 26.1104,  
establishing the City Public Utilities Advisory Commission

Exhibit B: Letter from San Diego City Mayor Susan Golding to Peter J. DiRenzo,  
dated April 6, 1999

Grand Jury Report issued June 14, 1999 entitled: "*Power Lines-3331.6 Million  
Paid for Undergrounding Not Performed.*"

List of Witnesses

Frank Belock, Jr.  
Karen Johanson  
Joan Tukey  
Harold Tyvoll  
Michael Uberuaga

Paul J. Pfingst, District Attorney  
Page 2  
June 15, 1999

Count 2. Willful misconduct in failing to appoint the members of the City Public Utility Advisory Commission when existing term expired and/or members resigned, thus preventing the Commission from performing its functions and thereby adversely affecting a major economic interest of the citizens of the City of San Diego.

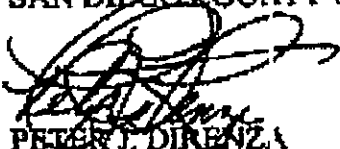
The supporting documentation submitted with this accusation includes the following two Grand Jury Reports and underlying testimony and related materials.

With respect to Count 1: *Use of City Resources to Influence Elections; The City of San Diego Redevelopment and Ballpark Project; Proposition C, Election of November 3, 1998*, issued June 4, 1999.

With respect to Count 2: *Power Lines-\$331.6 Million Paid for Undergrounding Not Performed*, issued June 14, 1999.

Yours very truly,

SAN DIEGO COUNTY GRAND JURY 1998-1999



PETER J. DIRENZA  
Foreman

PJD:ln  
Attachments