

ETHICS COMMISSION RESOLUTION

FINAL DECISION OF THE CITY OF SAN DIEGO ETHICS COMMISSION IN THE MATTER OF NANCY GRAHAM, RESPONDENT, CASE NUMBER 2008-54

WHEREAS, the City of San Diego Ethics Commission [Commission] is charged with the duty to enforce local governmental ethics laws contained in the San Diego Municipal Code, including the City's Ethics Ordinance; and

WHEREAS, Petitioner has presented charges against Respondent Nancy Graham [Respondent] for violating the Ethics Ordinance (in particular, San Diego Municipal Code section 27.3561) in connection with Respondent's service as the former President and Chief Operating Officer of the Centre City Development Corporation; and

WHEREAS, at a public Administrative Hearing held on May 20, 2010, a Presiding Authority consisting of Lee Biddle, Clyde Fuller, and Larry Westfall heard testimony and reviewed evidence relating to these charges, and

WHEREAS, after taking the matter under submission, the Presiding Authority prepared a formal Recommendation, concluding that Respondent violated counts 7, 8, 9, 10, 12, 13, 14, 15, 24, 25, 26, 27, 28, 29, 30, 31, 33, and 34 of Petitioner's Final Administrative Complaint; and

WHEREAS, at a public meeting held on August 12, 2010, the Commission (composed of Commissioners Lee Biddle, Clyde Fuller, John O'Neill, Larry Westfall, and Bud Wetzler) considered the Presiding Authority's Recommendation as well as oral argument from the parties, and thereafter deliberated with regard to the amount of the fine, if any, to be imposed against Respondent for violations of the Ethics Ordinance; and

WHEREAS, the final decision of the Commission regarding violations committed by Respondent and the associated fine to be imposed, if any, against Respondent for such violations shall be expressed in writing in a separate Administrative Enforcement Order;

NOW, THEREFORE, BE IT RESOLVED, by the City of San Diego Ethics Commission that it makes the following findings with regard to whether or not Respondent violated the Ethics

Ordinance:

Count (Final Administrative Complaint) Disqualification of City Officials in Municipal Decisions Affecting Economic Interests (SDMC § 27.3561)	Yes	No	Vote
(1) Signing staff report submitted to the Redevelopment Agency recommending approval of Development Permit relating to Ballpark Village project ----- Fine: N/A		X	5-0
(2) Participating in a meeting held on January 16, 2007, relating to the Ballpark Village project ----- Fine: N/A		X	5-0
(3) Participating in a meeting held on March 28, 2007, relating to the Ballpark Village project ----- Fine: N/A		X	5-0
(4) Participating in a meeting held on June 14, 2007, relating to the Ballpark Village project ----- Fine: N/A		X	5-0
(5) Participating in a meeting held on June 20, 2007, relating to the Ballpark Village project ----- Fine: N/A		X	5-0
(6) Participating in a meeting held on July 17, 2007, relating to the Ballpark Village project ----- Fine: N/A		X	5-0
(7) Participating in a meeting held on July 23, 2007, relating to the Ballpark Village project ----- Fine: \$1,500	X		5-0

Count (Final Administrative Complaint) Disqualification of City Officials in Municipal Decisions Affecting Economic Interests (SDMC § 27.3561)	Yes	No	Vote
(8) Participating in a meeting held on August 2, 2007, relating to the Ballpark Village project	X		5-0
----- Fine: \$1,500	X		5-0
(9) Participating in a meeting held on September 5, 2007, relating to the Ballpark Village project	X		5-0
----- Fine: \$1,500	X		5-0
(10) Participating in a meeting held on September 17, 2007, relating to the Ballpark Village project	X		5-0
----- Fine: \$1,500	X		5-0
(11) Participating in a meeting held on September 20, 2007, relating to the Ballpark Village project		X	5-0
----- Fine: N/A			
(12) Participating in a meeting held on October 5, 2007, relating to the Ballpark Village project	X		5-0
----- Fine: \$1,500	X		5-0
(13) Participating in a meeting held on October 17, 2007, relating to the Ballpark Village project	X		5-0
----- Fine: \$1,500	X		5-0
(14) Participating in a meeting held on January 23, 2008, relating to the Ballpark Village project	X		5-0
----- Fine: \$1,500	X		5-0
(15) Participating in a meeting held on January 31, 2008, relating to the Ballpark Village project	X		5-0
----- Fine: \$1,500	X		5-0
(16) Participating in a meeting held on February 7, 2008, relating to the Ballpark Village project		X	5-0
----- Fine: N/A			

Count (Final Administrative Complaint) Disqualification of City Officials in Municipal Decisions Affecting Economic Interests (SDMC § 27.3561)	Yes	No	Vote
(17) Participating in a meeting held on February 14, 2008, relating to the Ballpark Village project ----- Fine: N/A		X	5-0 -----
(18) Participating in a meeting held on February 28, 2008, relating to the Ballpark Village project ----- Fine: N/A		X	5-0 -----
(19) Participating in a meeting held on March 6, 2008, relating to the Ballpark Village project ----- Fine: N/A		X	5-0 -----
(20) Participating in a meeting held on April 4, 2008, relating to the Ballpark Village project ----- Fine: N/A		X	5-0 -----
(21) Participating in a meeting held on April 28, 2008, relating to the Ballpark Village project ----- Fine: N/A		X	5-0 -----
(22) Participating in a meeting held on April 30, 2008, relating to the Ballpark Village project ----- Fine: N/A		X	5-0 -----
(23) Participating in a meeting held on May 6, 2008, relating to the Ballpark Village project ----- Fine: N/A		X	5-0 -----
(24) Participating in a meeting held on May 16, 2008, relating to the Ballpark Village project ----- Fine: \$1,500	X ----- X		5-0 ----- 5-0

Count (Final Administrative Complaint) Disqualification of City Officials in Municipal Decisions Affecting Economic Interests (SDMC § 27.3561)	Yes	No	Vote
(25) Participating in a meeting held on May 16, 2008, relating to the Ballpark Village project ----- Fine: \$1,500	X ----- X	 ----- 	5-0 ----- 5-0
(26) Participating in an e-mail communication on April 23, 2007, relating to the Ballpark Village project ----- Fine: \$1,500	X ----- X	 ----- 	5-0 ----- 5-0
(27) Participating in an e-mail communication on April 24, 2007, relating to the Ballpark Village project ----- Fine: \$1,500	X ----- X	 ----- 	5-0 ----- 5-0
(28) Participating in an e-mail communication on June 26, 2007, relating to the Ballpark Village project ----- Fine: \$1,500	X ----- X	 ----- 	5-0 ----- 5-0
(29) Participating in an e-mail communication on August 28, 2007, relating to the Ballpark Village project ----- Fine: \$1,500	X ----- X	 ----- 	5-0 ----- 5-0
(30) Participating in an e-mail communication on October 10, 2007, relating to the Ballpark Village project ----- Fine: \$1,500	X ----- X	 ----- 	5-0 ----- 5-0
(31) Participating in an e-mail communication on May 15 – 16, 2008, relating to the Ballpark Village project ----- Fine: \$1,500	X ----- X	 ----- 	5-0 ----- 5-0
(32) Signing a staff report concerning Ballpark Village project on July 3, 2007, that was submitted to the CCDC board sitting as the Real Estate Committee ----- Fine: N/A	 ----- 	 ----- X	 ----- 5-0

Count (Final Administrative Complaint) Disqualification of City Officials in Municipal Decisions Affecting Economic Interests (SDMC § 27.3561)	Yes	No	Vote
(33) Participating in a meeting of the CCDC board on July 11, 2007, relating to the Ballpark Village project ----- Fine: \$4,000	X ----- X	 ----- 	5-0 ----- 5-0
(34) Participating in a meeting of the CCDC Board held on May 14, 2008, relating to the Ballpark Village project ----- Fine: \$4,000	X ----- X	 ----- 	5-0 ----- 5-0

DATE: August 16, 2010

LARRY WESTFALL, Chair
SAN DIEGO ETHICS COMMISSION