

1 STACEY FULHORST, Executive Director
City of San Diego Ethics Commission
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3 Telephone: (619) 533-3476
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5 Petitioner

6
7 **BEFORE THE CITY OF SAN DIEGO**
8 **ETHICS COMMISSION**

9
10 In re the Matter of:) Case No.: 2008-22
11 RICHARD GEISLER,)
12 Respondent.) **STIPULATION, DECISION, AND**
13) **ORDER**
_____)

14 **STIPULATION**

15 **THE PARTIES STIPULATE AS FOLLOWS:**

16 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics
17 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,
18 implement, and enforce local governmental ethics laws contained in the San Diego Municipal
19 Code [SDMC] relating to, among other things, the provisions of the City's Ethics Ordinance.

20 2. At all times mentioned herein, Richard Geisler was a member of the Board of
21 Directors of the Southeastern Economic Development Corporation [SEDC]. Mr. Geisler is
22 referred to herein as "Respondent."

23 3. This Stipulation will be submitted for consideration by the Ethics Commission at its
24 next scheduled meeting, and the agreements contained herein are contingent upon the approval
25 of the Stipulation and the accompanying Decision and Order by the Ethics Commission.

26 4. This Stipulation resolves all factual and legal issues raised in this matter by the
27 Ethics Commission without the necessity of holding an administrative hearing to determine
28 Respondent's liability.

1 5. Respondent understands and knowingly and voluntarily waives any and all
2 procedural rights under the SDMC, including, but not limited to, a determination of probable
3 cause, the issuance and receipt of an administrative complaint, the right to appear personally in
4 any administrative hearing held in this matter, the right to confront and cross-examine witnesses
5 testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to
6 have the Ethics Commission or an impartial hearing officer hear this matter. Respondent agrees
7 to hold the City of San Diego harmless from any and all claims or damages resulting from the
8 Commission's investigation or this stipulated agreement, or any matter reasonably related
9 thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with
10 the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a
11 reference to each violation, and an order.

12 6. Respondent acknowledges that this Stipulation is not binding upon any other law
13 enforcement or government agency and does not preclude the Ethics Commission from referring
14 this matter to, cooperating with, or assisting any other law enforcement or government agency
15 with regard to this or any other related matter.

16 7. The parties agree that in the event the Ethics Commission refuses to accept this
17 Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics
18 Commission rejects the Stipulation and a full evidentiary hearing before the Ethics Commission
19 becomes necessary, no member of the Ethics Commission or its staff shall be disqualified
20 because of prior consideration of this Stipulation.

21 **Summary of Law and Facts**

22 8. Because Respondent is a member of the SEDC Board of Directors, he is a "City
23 Official" as defined in the Ethics Ordinance. SDMC § 27.3503.

24 9. SDMC section 27.3571 prohibits Respondent from soliciting campaign
25 contributions from City employees, including employees of City agencies such as SEDC.

26 10. On February 5, 2008, Respondent sent an e-mail to Kimberly King, the
27 Administrative Assistant to SEDC President Carolyn Smith. In the e-mail, Respondent asked
28 Ms. King to deliver an attached document to Ms. Smith. The document consisted of an

1 invitation to a fundraising reception Respondent was hosting for Marti Emerald, a candidate for
2 City Council District 7 in the June 2008 primary election. The invitation stated that the
3 “suggested contribution” to the Emerald campaign was \$270.

4 **Counts**

5 **Count 1 - Violation of SDMC section 27.3571**

6 11. Respondent solicited a campaign contribution from a City employee in violation of
7 SDMC section 27.3571 when he invited the President of SEDC to a fundraising reception.

8 **Factors in Aggravation**

9 12. Because the SEDC President reports directly to the SEDC Board of Directors,
10 Respondent has considerable influence and authority over the SEDC President. This is a factor
11 in aggravation because the law prohibiting the solicitation of contributions from City employees
12 is intended to prevent a situation in which a City employee feels induced or coerced into making
13 a monetary contribution at the request of someone who is in a position to retaliate against or
14 otherwise punish that employee.

15 **Factors in Mitigation**

16 13. Respondent fully cooperated with the Ethics Commission investigation.

17 **Conclusion**

18 14. Respondent agrees to take necessary and prudent precautions to comply with all
19 provisions of the Ethics Ordinance in the future.

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1 15. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC
 2 section 27.3571. This amount must be paid no later than August 8, 2008, by check or money
 3 order made payable to the City Treasurer. The submitted payment will be held pending
 4 Commission approval of this Stipulation and execution of the Decision and Order portion set
 5 forth below.

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 7 DATED: _____

 STACEY FULHORST, Executive Director
 ETHICS COMMISSION, Petitioner

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 9
 10 DATED: _____

 RICHARD GEISLER, Respondent

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 13 **DECISION AND ORDER**

14 The Ethics Commission considered the above Stipulation at its meeting on August 14,
 15 2008. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
 16 with the Stipulation, Respondent pay a fine in the amount of \$500.

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 18 DATED: _____

 Guillermo Cabrera, Chair
 SAN DIEGO ETHICS COMMISSION