

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**

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10 In re the Matter of:) Case No.: 2015-14
11 DOUGLAS AUSTIN,) **STIPULATION, DECISION, AND**
12 Respondent.) **ORDER**
13)
_____)

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 filing of Statements of Economic Interests
20 [SEIs] as required by the City’s Ethics Ordinance.

21 2. At all times mentioned herein, Douglas Austin was a member of the City of San
22 Diego’s Planning Commission and the principal of AVR P Studios, Inc., AVR P Architecture,
23 Inc., SAVR, Inc., and Pre-Form Systems, LLC. Austin is referred to herein as “Respondent.”

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

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1 December 31 of the previous calendar year, in accordance with the disclosure guidelines in the
2 California Government Code. SDMC § 27.3510.

3 9. According to SDMC section 27.3510 and California Government Code sections
4 82030 and 87203, Respondent is required to disclose income from any source located within the
5 City of San Diego, doing business in the City of San Diego, planning to do business in the City
6 of San Diego, or having done business in the City of San Diego in the prior two year period. In
7 addition, California Government Code section 82030 states that the income of an individual
8 includes the individual's pro rata share of income received by any business entity in which the
9 individual has a ten percent or greater ownership interest, and California Government Code
10 section 87207 states that filers must disclose the names of sources of income to a business entity
11 if the filer's pro rata share of the gross income from a single source was \$10,000 or more during
12 the reporting period.

13 10. On May 20, 2014, Respondent assumed office as a Planning Commissioner. On
14 June 20, 2014, he filed an assuming office SEI. Although he disclosed his ownership interest of
15 ten percent or greater in AVR P Studios, AVR P Architecture, and SAVR, he failed to disclose the
16 individual sources of income of \$10,000 or more he received through these three firms during the
17 reporting period, including Mission Valley Holdings, Inc.

18 11. On March 27, 2015, Respondent filed his annual SEI for the 2014 calendar year
19 (which covered the period from his last filing, May 21, 2014, through December 31, 2014).
20 Although he disclosed his ownership interest of ten percent or greater in AVR P Studios, AVR P
21 Architecture, SAVR, and Pre-Form Systems, he failed to disclose the individual sources of
22 income of \$10,000 or more he received through these three firms during the reporting period,
23 including Mission Valley Holdings, Inc.

24 12. On December 14, 2015, after he was contacted by Commission staff, Respondent
25 filed an amendment to his assuming office SEI and disclosed the sources of income of \$10,000
26 or more he received through AVR P Studios, AVR P Architecture, and SAVR during the
27 reporting period.

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1 **Factors in Mitigation**

2 19. Respondent fully cooperated with the Ethics Commission investigation.

3 20. Respondent has a demonstrated history of recusing himself from Planning
4 Commission matters that involve his clients, including Mission Valley Holdings and Manchester
5 Financial Group. These actions support Respondent's representation that his participation in the
6 matter discussed above in paragraph 15 was an oversight and not intentional.

7 **Conclusion**

8 21. Respondent agrees to take necessary and prudent precautions to comply with all
9 provisions of the Ethics Ordinance in the future. In particular, Respondent agrees to fully and
10 completely disclose his economic interests.

11 22. Respondent acknowledges that the Ethics Commission may impose increased fines
12 in connection with any future violations of the City's ethics laws.

13 23. Respondent agrees to pay a fine in the amount of \$6,000 for violating SDMC
14 sections 27.3510 and 27.3561. This amount must be paid by check or money order made
15 payable to the City Treasurer no later than December 1, 2016. Respondent acknowledges that if
16 the fine is not timely paid in full, the Commission may refer the collection of the fine to the City
17 Treasurer's Collection Division, which may pursue any or all available legal remedies to recover
18 late penalties, interest, and costs, in addition to seeking the outstanding balance owed.

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21 DATED: _____ [REDACTED]
22 STACEY FULHORST, Executive Director
23 ETHICS COMMISSION, Petitioner

24 DATED: _____ [REDACTED]
25 DOUGLAS AUSTIN, Respondent

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DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on June 9, 2016. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$6,000.

[REDCATED]

DATED: _____

Clyde Fuller, Vice Chair
SAN DIEGO ETHICS COMMISSION