

1 STACEY FULHORST, Executive Director  
City of San Diego Ethics Commission  
2 1010 Second Avenue, Suite 1530  
San Diego, CA 92101  
3 Telephone: (619) 533-3476  
4 Facsimile: (619) 533-3448

5 Petitioner

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

9  
10 In re the Matter of: ) Case No.: 2017-21  
11 )  
ROBERT CHÁVEZ, ) **STIPULATION, DECISION, AND**  
12 ) **ORDER**  
Respondent. )  
13 )

14  
15 **STIPULATION**

16 **THE PARTIES STIPULATE AS FOLLOWS:**

17 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics  
18 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,  
19 implement, and enforce local governmental ethics laws contained in the San Diego Municipal  
20 Code [SDMC] relating to, among other things, the provisions of the City of San Diego Ethics  
21 Ordinance [Ethics Ordinance], SDMC section 27.3501, *et seq.*

22 2. At all times mentioned herein, Robert Chávez was a member of the City of San  
23 Diego's Park and Recreation Board [Board] and the Chief Executive Officer of Urban Corps of  
24 San Diego County [Urban Corps]. Mr. Chávez is referred to herein as "Respondent."

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

28 ///

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

4           5.    Respondent understands and knowingly and voluntarily waives any and all  
5 procedural rights under the SDMC including, but not limited to, a determination of probable  
6 cause, the issuance and receipt of an administrative complaint, the right to appear personally in  
7 any administrative hearing held in this matter, the right to confront and cross-examine witnesses  
8 testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to  
9 have the Ethics Commission or an impartial hearing officer hear this matter. Respondent agrees  
10 that the terms of this Stipulation constitute compliance with the provisions of SDMC section  
11 26.0450 in that the Stipulation includes a recitation of facts, a reference to each violation, and an  
12 order.

13           6.    Respondent agrees to hold the City of San Diego and the Ethics Commission  
14 harmless from any and all claims or damages resulting from the Commission's investigation, this  
15 stipulated agreement, or any matter reasonably related thereto.

16           7.    Respondent acknowledges that this Stipulation is not binding upon any other law  
17 enforcement or government agency and does not preclude the Ethics Commission from referring  
18 this matter to, cooperating with, or assisting any other law enforcement or government agency  
19 with regard to this or any other related matter.

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

25 ///

26 ///

27 ///

28 ///

1 **Summary of Law and Facts**

2 9. As a member of the City's Park and Recreation Board, Respondent was a "Local  
3 Code Filer" as that term is defined by SDMC section 27.3503, and was required to regularly file  
4 a Form 700 Statement of Economic Interests [SEI] in the time and manner set forth in SDMC  
5 section 27.3510.

6 10. SDMC section 27.3510 requires that all Local Code Filers file an annual SEI on or  
7 before April 1 of each year (covering the period from January 1 through December 31 of the  
8 previous calendar year), and a leaving office SEI within 30 days of leaving office, pursuant to the  
9 applicable Conflict of Interest Code adopted by the City Council.

10 11. Respondent filed his SEI for the 2015 calendar year on February 16, 2016. In  
11 accordance with the Conflict of Interest Code adopted by the City Council for the Board,  
12 Respondent was required to disclose income from any entity that supplies goods or services to  
13 the City's Park and Recreation Department. Respondent was employed by Urban Corps during  
14 the reporting period. Respondent did not report any income on his 2015 annual SEI, despite the  
15 fact that he received income from a reportable source.

16 12. Respondent filed his SEI for the 2016 calendar year on March 27, 2017. In  
17 accordance with the Conflict of Interest Code adopted by the City Council for the Board,  
18 Respondent was required to disclose income from any entity that supplies goods or services to  
19 the City's Park and Recreation Department. Respondent was employed by Urban Corps during  
20 the reporting period. Respondent did not report any income on his 2016 annual SEI, despite the  
21 fact that he received income from a reportable source.

22 13. Respondent filed his leaving office SEI on July 6, 2017, covering the period from  
23 January 1, 2017, through July 6, 2017. In accordance with the Conflict of Interest Code adopted  
24 by the City Council for the Board, Respondent was required to disclose income from any entity  
25 that supplies goods or services to the City's Park and Recreation Department. Respondent was  
26 employed by Urban Corps during the reporting period. Respondent did not report any income on  
27 his leaving office SEI, despite the fact that he received income from a reportable source.

28 ///



