

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.: 2016-04
11 DADIAN & ASSOCIATES, INC.,) **STIPULATION, DECISION AND**
12 Respondent.) **ORDER**
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
18 Ethics Commission [Ethics Commission]. The Ethics Commission is charged with a duty to
19 administer, implement, and enforce local governmental ethics laws contained in the San Diego
20 Municipal Code [SDMC] relating to, among other things, the provisions of the City's Municipal
21 Lobbying Ordinance.

22 2. At all times mentioned herein, Respondent Dadian & Associates, Inc. [Respondent]
23 was a lobbying firm registered with the Office of the City Clerk.

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

28 ///

1 9. On February 17, 2015, Respondent registered as a lobbying firm for the 2015
2 calendar year with the Office of the City Clerk.

3 10. Respondent failed to file a disclosure report for the fourth quarter of 2015 until
4 March 28, 2016, approximately two months after the February 1, 2016, deadline (January 31,
5 2016, fell on a Sunday), and only after he was contacted by Commission staff. According to the
6 disclosure report ultimately filed by Respondent, the firm's principal lobbied six City Officials
7 on municipal decisions concerning water rate increases during the fourth quarter of 2015.

8 **Counts**

9 **Count 1 – Violation of SDMC sections 27.4015 and 27.4016**

10 11. Respondent violated SDMC sections 27.4015 and 27.4016 by failing to timely file a
11 disclosure report covering the fourth quarter of 2015. This disclosure report was due on February
12 1, 2016, but Respondent did not file it until March 28, 2016.

13 **Factors in Aggravation**

14 12. Respondent's principal is an experienced lobbyist in the City of San Diego who is
15 well aware of the quarterly filing requirements in the City's Lobbying Ordinance. Moreover,
16 staff in the City Clerk's office sent several emails to Respondent's principal reminding him that
17 the firm's fourth quarter disclosure report was due by February 1, 2016.

18 13. Respondent has a history of failing to timely file quarterly disclosure reports. In
19 particular, Respondent failed to timely file the following quarterly disclosure reports:

20	<u>Period Covered</u>	<u>Due Date</u>	<u>Date Filed</u>	<u>No. Days Late</u>
21	07/01/15 - 09/30/15	11/02/15	11/23/15	21
22	04/01/15 - 06/30/15	07/31/15	08/13/15	13
23	10/01/14 – 12/31/14	02/02/15	02/17/15	5
24	07/01/14 – 09/30/14	10/31/14	11/10/14	10
25	01/31/14 – 03/31/14	04/30/14	05/13/14	13
26	07/01/13 – 09/30/13	10/31/13	11/12/13	12
27	04/01/13 – 06/30/13	07/31/13	08/05/13	5
28	04/01/12 – 06/30/12	07/31/12	08/06/12	6

<u>Period Covered</u>	<u>Due Date</u>	<u>Date Filed</u>	<u>No. Days Late</u>
01/13/12 – 03/31/12	04/30/12	08/01/12	93

Conclusion

14. Respondent agrees to take necessary and prudent precautions to comply with all provisions of the City’s Municipal Lobbying Ordinance in the future.

15. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC sections 27.4015 and 27.4016. This amount must be paid by check or money order made payable to the City Treasurer no later than October 31, 2016. Respondent acknowledges that if the fine is not timely paid in full, the Commission may refer the collection of the fine to the City Treasurer’s Collection Division, which may pursue any or all available legal remedies to recover late penalties, interest, and costs, in addition to seeking the outstanding balance owed.

13 [REDACTED]
 14 DATED: _____
 15 _____
 16 STACEY FULHORST, Petitioner
 17 SAN DIEGO ETHICS COMMISSION

16 [REDACTED]
 17 DATED: _____
 18 _____
 19 DADIAN & ASSOCIATES, INC., Respondent
 20 By: John Dadian, President

DECISION AND ORDER

The Ethics Commission has considered the above Stipulation at its meeting on May 12, 2016. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$500.

24 [REDACTED]
 25 DATED: _____
 26 _____
 27 DEBORAH COCHRAN, Commissioner
 28 SAN DIEGO ETHICS COMMISSION