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7 Petitioner

8 **BEFORE THE CITY OF SAN DIEGO**
9 **ETHICS COMMISSION**

10 In re the Matter of:) Case No.: No. 2004-23
11 KEVIN DE FREITAS,)
12 Respondent.) **STIPULATION, DECISION AND**
13) **ORDER**
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 filing of Statements of Economic Interests
21 [SEIs] as required by the City's Ethics Ordinance.

22 2. Respondent Kevin deFreitas [Respondent] is a member of the Centre City Area
23 Committee [CCAC]. He assumed this office approximately six years ago.

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

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1 11. Following the investigation, Petitioner concluded that Respondent failed to timely
2 file his annual SEI for the 2003 calendar year.

3 **Counts**

4 **Count One – Violation of SDMC section 27.3510**

5 12. Respondent failed to file an SEI disclosing his economic interests for the 2003
6 calendar year on or before April 1, 2004, as required by SDMC section 27.3510.

7 **Factors in Aggravation**

8 13. The City Clerk sent Respondent a letter on February 12, 2004, reminding him to
9 file an annual SEI for the 2003 calendar year on or before April 1, 2004. The City Clerk sent
10 Respondent another letter on April 14, 2004, informing Respondent that his 2003 annual SEI had
11 not been received, and asking him to file it on or before May 14, 2004. The Ethics Commission
12 sent Respondent a letter on June 21, 2004, concerning his failure to timely file his 2003 annual
13 SEI. The Ethics Commission staff spoke to Respondent on July 14, 2004, at which time he
14 agreed to file his SEI immediately. Despite the foregoing, Respondent has continued to fail to
15 file his SEI to the present time.

16 14. The Ethics Commission distributed training videos to the CCAC in July of 2003.
17 The video includes a discussion of gift limits as well as SEI filing requirements. Since that time,
18 Respondent has failed to return a certification form indicating that he watched this training
19 video. The Ethics Commission wrote to Respondent on January 15, 2004, and advised him that a
20 failure to take advantage of this training opportunity would be considered a factor in aggravation
21 should he ever be the subject of an Ethics Commission investigation.

22 **Conclusion**

23 15. Respondent agrees to file an SEI disclosing his economic interests for the 2003
24 calendar year on or before October 27, 2004.

25 16. Respondent agrees to take necessary and prudent precautions to ensure timely
26 filing of SEIs in the future, and to comply with all provisions of the Ethics Ordinance.

27 17. Respondent shall pay a fine in the amount of \$750 for violation of SDMC section
28 27.3510. This amount must be paid no later than October 27, 2004.

