STACEY FULHORST, Executive Director
City of San Diego Ethics Commission
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Petitioner

BEFORE THE CITY OF SAN DIEGO

ETHICS COMMISSION

In re the Matter of:	)	Case No.: 2010-80
	)	
LAW OFFICES OF JULIE HAMILTON,	)	**STIPULATION, DECISION AND ORDER**
	)	
Respondent.	)	
	)	
	)	

STIPULATION

THE PARTIES STIPULATE AS FOLLOWS:

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

2. At all times mentioned herein, Respondent Law Offices of Julie Hamilton [Respondent] was a lobbying firm registered with the Office of the City Clerk.

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

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

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

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

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

Summary of Law and Facts

8. The Lobbying Ordinance requires lobbying firms to file quarterly disclosure reports no later than the last day of the months of April, July, October, and January, covering the preceding calendar quarter. SDMC §§ 27.4015, 27.4016.

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9. On March 11, 2010, Respondent registered as a lobbying firm for the 2010 calendar year with the Office of the City Clerk.

10. Respondent failed to file a disclosure report for the second quarter of 2010 until September 2, 2010, approximately one month after the August 2, 2010, deadline (July 31, 2010, fell on a Saturday). According to the disclosure report ultimately filed by Respondent, the firm's principal lobbied City Officials on three different municipal decisions during the second quarter of 2010.

Counts

Count 1 – Violation of SDMC sections 27.4015 and 27.4016

11. Respondent failed to timely file a second quarterly disclosure report as required by SDMC sections 27.4015 and 27.4016. Respondent's quarterly disclosure report for the second quarter of 2010 was due on August 2, 2010, but Respondent did not file it until September 2, 2010.

Factors in Aggravation

12. Respondent is an experienced lobbying firm in the City of San Diego, and was aware of the Lobbying Ordinance's quarterly filing requirements. Moreover, staff in the City Clerk's office sent several letters to Respondent reminding the firm that its second quarter report was due by August 2, 2010.

13. Respondent has a history of failing to timely file quarterly disclosure reports. In particular, Respondent paid a $200 fine in August of 2009 for failing to timely file its 2008 fourth quarter disclosure report.

Factors in Mitigation

14. Respondent fully cooperated with the Ethics Commission's investigation.

Conclusion

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

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16. 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 no later than December 31, 2010, by check or money order made payable to the City Treasurer. The submitted payment will be held pending Commission approval of this Stipulation and execution of the Decision and Order portion set forth below.

DATED:_____ _____
STACEY FULHORST, Petitioner
City of San Diego Ethics Commission

DATED:_____ _____
LAW OFFICES OF JULIE HAMILTON, Respondent
By: Julie Hamilton, Esq.

DECISION AND ORDER

The Ethics Commission has considered the above Stipulation at its meeting on _____, 2011. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pays a fine in the amount of $500.

DATED:_____ _____
Larry Westfall, Chair
SAN DIEGO ETHICS COMMISSION