

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.: 2011-65
11)
12 SAN DIEGO ASSOCIATION OF) **STIPULATION, DECISION AND**
REALTORS,) **ORDER**
13)
Respondent.)

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 San Diego Association of Realtors
23 [Respondent] was an organization lobbyist 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.

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1 9. On January 5, 2011, Respondent registered as an organization lobbyist for the 2011
2 calendar year with the Office of the City Clerk.

3 10. Respondent filed a disclosure report for the second quarter of 2011 on September
4 30, 2011, approximately two months after the August 1, 2011, deadline (July 31, 2011, fell on a
5 Sunday).

6 Counts

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

8 11. Respondent failed to timely file a disclosure report for the second quarter of 2011 in
9 violation of SDMC sections 27.4015 and 27.4016. Respondent's quarterly disclosure report was
10 due on August 1, 2011, but Respondent did not file it until September 30, 2011.

11 Factors in Aggravation

12 12. Respondent is an experienced organization lobbyist in the City of San Diego, and
13 was aware of the Lobbying Ordinance's quarterly filing requirements. Moreover, staff in the
14 City Clerk's office sent several letters to Respondent reminding the organization that its second
15 quarter report was due by August 1, 2011.

16 13. Respondent has an extensive history of failing to timely file quarterly disclosure
17 reports. In particular, Respondent paid a \$200 fine in August of 2009 for failing to timely file its
18 2008 third and fourth quarter disclosure reports. In addition, Respondent filed four additional
19 quarterly disclosure reports late, as follows:

<u>Report Period</u>	<u>Due Date</u>	<u>Filing Date</u>	<u>Days Late</u>
20 1 st quarter, 2009	04/30/09	05/26/09	26
21 3 rd quarter, 2009	10/31/09	11/18/09	18
22 3 rd quarter, 2010	10/31/10	11/08/10	8
23 4 th quarter, 2010	01/31/11	02/03/11	3

24 Factors in Mitigation

25 14. Respondent has implemented additional procedures and safeguards to ensure that its
26 quarterly disclosure reports are timely filed in the future.

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28

1 **Conclusion**

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

4 16. Respondent acknowledges that the Ethics Commission may impose increased fines
5 in connection with any future violations of the City’s lobbying laws.

6 17. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC sections
7 27.4015 and 27.4016. This amount must be paid no later than December 9, 2011, by check or
8 money order made payable to the City Treasurer. The submitted payment will be held pending
9 Commission approval of this Stipulation and execution of the Decision and Order portion set
10 forth below.

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

14 DATED: _____
15 SAN DIEGO ASSOCIATION OF REALTORS,
16 Respondent
17 By: Michael Mercurio, Chief Executive Officer

18 **DECISION AND ORDER**

19 The Ethics Commission has considered the above Stipulation at its meeting on
20 _____, 2011. The Ethics Commission hereby approves the Stipulation and
21 orders that, in accordance with the Stipulation, Respondent pays a fine in the amount of \$500.
22

23 DATED: _____
24 Clyde Fuller, Chair
25 SAN DIEGO ETHICS COMMISSION
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