

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**

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10 In re the Matter of:) Case Nos.: 2011-71
11 BERTHA ALICIA GONZALEZ,) **STIPULATION, DECISION, AND**
12 Respondent.) **ORDER**
13)
_____)

14 **STIPULATION**

15 **THE PARTIES STIPULATE AS FOLLOWS:**

16 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics
17 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,
18 implement, and enforce local governmental ethics laws contained in the San Diego Municipal
19 Code [SDMC] relating to, among other things, the filing of Statements of Economic Interests
20 [SEIs] as required by the City's Ethics Ordinance.

21 2. At all times mentioned herein, Bertha Alicia Gonzalez was a member of the San
22 Ysidro Redevelopment Project Area Committee. Gonzalez is referred to herein as
23 "Respondent."

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

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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 a volunteer hearing officer hear this matter. Respondent agrees
10 to hold the City of San Diego harmless from any and all claims or damages resulting from the
11 Commission’s investigation or this stipulated agreement, or any matter reasonably related
12 thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with
13 the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a
14 reference to each violation, and an order.

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

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

24 **Summary of Law and Facts**

25 8. As a member of the San Ysidro Redevelopment Project Area Committee,
26 Respondent is a “Local Code Filer” as that term is defined by SDMC section 27.3503, and is
27 required to file SEIs in the time and manner set forth in SDMC section 27.3510.

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1 9. SDMC section 27.3510 requires Local Code Filers to file an annual SEI on or
2 before April 1 of each year, covering the period from January 1 through December 31 of the
3 previous calendar year.

4 10. Respondent did not file her annual SEI for calendar year 2010 until October 31,
5 2011, seven months late.

6 **Counts**

7 **Count 1 – Violations of SDMC section 27.3510**

8 11. Respondent violated SDMC section 27.3510 by failing to timely file an annual
9 SEI for calendar year 2010 as a member of the San Ysidro Redevelopment Project Area
10 Committee. Her annual SEI was due on April 1, 2011, but Respondent did not file it until
11 October 31, 2011, seven months late.

12 **Factors in Aggravation**

13 12. The City Clerk contacted Respondent via letter and telephone on numerous
14 occasions regarding her filing responsibilities, both before and after the filing deadline. Despite
15 these efforts by the City Clerk, Respondent failed to timely file her SEI.

16 13. Respondent has a prior history of not timely filing SEIs. In particular, she filed
17 her annual SEI for calendar year 2009 on September 17, 2010, more than five months late.

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1 **Conclusion**

2 14. Respondent agrees to pay a fine in the amount of \$200 for violating SDMC
3 section 27.3510. This amount must be paid by check or money order made payable to the City
4 Treasurer no later than March 30, 2012. Respondent acknowledges that if the fine is not timely
5 paid in full, the Commission may refer the collection of the fine to the City Treasurer's
6 Collection Division, which may pursue any or all available legal remedies to recover late
7 penalties, interest, and costs, in addition to seeking the outstanding balance owed.

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9 DATED: _____
10 STACEY FULHORST, Executive Director
11 ETHICS COMMISSION, Petitioner

12 DATED: _____
13 BERTHA ALICIA GONZALEZ, Respondent

14 **DECISION AND ORDER**

15 The Ethics Commission considered the above Stipulation at its meeting on _____,
16 2012. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
17 with the Stipulation, Respondent pay a fine in the amount of \$200.

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19 DATED: _____
20 Clyde Fuller, Chair
21 SAN DIEGO ETHICS COMMISSION