

1 STACEY FULHORST, Executive Director
City of San Diego Ethics Commission
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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 No.: 2004-68
11 DAVID ALLSBROOK,)
12 Respondent.) **STIPULATION, DECISION AND**
13) **ORDER**

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] and the disqualification from municipal decisions that affect a City Official's economic
21 interests, as required by the City's Ethics Ordinance.

22 2. Respondent David Allsbrook [Respondent] is employed as the Manager of
23 Contracting and Public Works with the Centre City Development Corporation [CCDC]. He has
24 been an employee of CCDC since 1978, and has been the Manager of Contracting and Public
25 Works for the majority of his time with CCDC. His work generally involves the management of
26 CCDC's real estate acquisition program.

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

1 contingent upon the approval of the Stipulation and the accompanying Decision and Order by the
2 Ethics Commission.

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

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

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

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

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1 **Summary of Law and Facts**

2 8. As an employee of CCDC, Respondent is a “Local Code Filer” as that term is
3 defined by SDMC section 27.3503, and is required to file SEIs in the time and manner set forth
4 in SDMC section 27.3510.

5 9. SDMC section 27.3510 requires all Local Code Filers to file an annual SEI on or
6 before April 1 of each year, covering the period from January 1 through December 31 of the
7 previous calendar year, pursuant to the applicable Conflict of Interest Code adopted by the City
8 Council.

9 10. Respondent filed an SEI for the 2003 calendar year on March 10, 2004. In
10 accordance with the Conflict of Interest Code for CCDC adopted by the City Council on
11 November 18, 2002, Respondent was required to report income from various types of entities
12 conducting business in the Centre City and Horton Plaza redevelopment project areas, including
13 those in the business of real property. Respondent’s wife is a real estate agent with Prudential
14 Realty (Neuman & Neuman) and works in the downtown office. During 2003, she received
15 commission income from Neuman & Neuman in excess of \$10,000 in connection with real estate
16 transactions involving property located in the Centre City redevelopment project area.
17 Respondent did not report any income received by his spouse during 2003, despite the fact that
18 she received income in excess of \$10,000 from a reportable source.

19 11. On February 17, 2005, several weeks after Respondent was contacted by the
20 Ethics Commission staff regarding the omission of his spouse’s income from his 2003 annual
21 SEI, Respondent filed an amendment reflecting the income his wife received from Neuman &
22 Neuman during calendar year 2003.

23 **Counts**

24 **Count 1 - Violation of SDMC section 27.3510**

25 12. Respondent failed to disclose income from a reportable source as required by
26 SDMC section 27.3510. In particular, Respondent failed to disclose income his wife received
27 from Prudential Realty (Neuman & Neuman) in excess of \$10,000 during the 2003 calendar
28 year.

