

**SAN DIEGO ETHICS COMMISSION
STIPULATION DECISION AND ORDER
Lobbyist Campaign Disclosure Violation(s)
(Streamlined Program)**

Petitioner, Executive Director of the San Diego Ethics Commission, and Respondent hereby agree that this stipulation will be presented to the Commission at its next regularly scheduled meeting, or as soon thereafter as the matter can be heard, as a final disposition of the lobbyist disclosure violation(s) described herein.

RESPONDENT: **Higgs, Fletcher & Mack** **CASE NO. 2014-47**

TYPE OF LOBBYIST: **Lobbying Firm**

SAN DIEGO MUNICIPAL CODE SECTION(S) VIOLATED: 27.4017

DESCRIPTION OF VIOLATION: **Failure to timely disclose all campaign contributions made by owners, officers, and lobbyists on one or more quarterly reports**

QUARTERLY REPORT/S UNDER REVIEW: 1st quarter 2014 – 2nd quarter 2014

All necessary amendments have now been filed in conjunction with reaching this settlement.

MONETARY PENALTY: \$500

FACTORS IN AGGRAVATION: None

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of San Diego Municipal Code [SDMC] described above have occurred and voluntarily request that the Ethics Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* on the reverse side of this form and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. I agree to submit a check or money order made payable to the City Treasurer in the amount of the penalty described above on or before December 5, 2014. I acknowledge that if the fine is not timely paid in full, the Commission may refer the collection of this matter to the City Treasurer's Collection Division, which may pursue all available legal remedies to recover late penalties, interest, and costs, in addition to seeking the outstanding balance owed.

[REDACTED]

Dated: _____

Higgs, Fletcher & Mack
By: Cynthia Morgan

STATEMENT BY EXECUTIVE DIRECTOR:

I have reviewed the above Stipulation and recommend its approval.

[REDACTED]

Dated: _____

Stacey Fulhorst

DECISION AND ORDER OF THE COMMISSION:

The Ethics Commission considered the above Stipulation at its meeting on Dec. 11, 2014. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$500.

[REDACTED]

DATED: _____

John C. O'Neill, Chair
SAN DIEGO ETHICS COMMISSION

***SAN DIEGO ETHICS COMMISSION
STATEMENT OF RESPONDENT'S RIGHTS***

The Petitioner, Executive Director of the San Diego Ethics Commission, and Respondent(s), both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for consideration by the Ethics Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter by the Ethics Commission without the necessity of holding an administrative hearing to determine the liability of each Respondent named herein.

Each 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. Each 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. Each 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.

It is further stipulated and agreed that each Respondent has violated the Municipal Lobbying Ordinance as described herein.

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

The parties agree that in the event the Ethics Commission refuses to accept this Stipulation, it shall become null and void. Respondents further agree 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.

Each Respondent agrees to pay a fine in the amount specified on the face of this document. A check or money order in said amount, payable to the City Treasurer, is submitted herewith to be held pending Commission approval of this Stipulation and execution of the Decision and Order portion set forth above. Each Respondent agrees to take necessary and prudent precautions to ensure compliance with all provisions of the City's lobbying laws in the future, and acknowledges that the Ethics Commission may impose increased fines in connection with any future violations of the City's lobbying laws.