

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**

9  
10 In re the Matter of: ) Case No.: 2005-49  
11 DOROTHY JAMES, )  
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] as required by the City's Ethics Ordinance.

21 2. At all times mentioned herein, Dorothy James was a member of the Housing  
22 Appeals and Advisory Board. James is referred to herein as "Respondent."

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

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

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

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

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

21 **Summary of Law and Facts**

22 8. As member of the Housing Appeals and Advisory Board, Respondent is a “Local  
23 Code Filer” as that term is defined by SDMC section 27.3503, and is required to file SEIs in the  
24 time and manner set forth in SDMC section 27.3510.

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

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1           10.     Respondent has not yet filed an annual SEI for calendar year 2004, despite the  
2 fact that the SEI was due approximately eleven months ago.

3   Counts

4   **Count 1 – Violation of SDMC section 27.3510**

5           11.     Respondent failed to file an SEI disclosing her economic interests for the 2004  
6 calendar year as required by SDMC section 27.3510. Respondent has not yet filed this SEI,  
7 although approximately eleven months have elapsed since the April 1, 2005, the due date  
8 codified in the Ethics Ordinance.

9   Factors in Aggravation

10          12.     The City Clerk sent Respondent a letter on February 18, 2005, reminding her to  
11 file an annual SEI for the 2004 calendar year on or before April 1, 2005. The City Clerk sent  
12 Respondent another letter on April 18, 2005, informing Respondent that her 2004 annual SEI had  
13 not been received, and asking her to file it on or before May 18, 2005. The Ethics Commission  
14 sent Respondent a letter on December 22, 2005, concerning her failure to timely file her 2004  
15 annual SEI. Despite the foregoing, Respondent has not yet filed her 2004 annual SEI.

16          13.     Respondent has a prior history of not timely filing SEIs. In particular,  
17 Respondent filed her 2001 annual SEI on May 20, 2002, forty-eight days after it was originally  
18 due. In addition, Respondent filed her 2002 annual SEI on May 27, 2003, fifty-six days after it  
19 was originally due. Finally, Respondent filed her 2003 annual SEI on April 9, 2004, eight days  
20 after it was originally due.

21   Conclusion

22          14.     Respondent agrees to file an annual SEI for calendar year 2004 no later than April  
23 7, 2006.

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