

1 BRYN KIRVIN, Executive Director  
City of San Diego Ethics Commission  
2 451 A Street, Suite 1410  
San Diego, CA 92101  
3 Telephone: (619) 533-3476  
4 Petitioner

5  
6 **BEFORE THE CITY OF SAN DIEGO**  
7 **ETHICS COMMISSION**

8 In re the Matter of: ) Case No.: 2024-09  
9 )  
10 JESUS CARDENAS, ) **STIPULATION, DECISION, AND**  
11 ) **ORDER**  
Respondent. )  
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15 **STIPULATION**

16 **THE PARTIES STIPULATE:**

17 1. Petitioner Bryn Kirvin is the Executive Director of the City of San Diego  
18 Ethics Commission (the Commission). The Commission is charged with administering,  
19 implementing, and enforcing local governmental ethics laws in the San Diego Municipal  
20 Code (SDMC) relating to, among other things, the provisions of the City of San Diego  
21 Ethics Ordinance (Ethics Ordinance), SDMC section 27.3501, *et seq.*

22 2. Jesus Cardenas (Respondent) was, during all times mentioned herein,  
23 Chief of Staff for San Diego City Councilmember Stephen Whitburn.

24 3. This Stipulation will be submitted for the Commission's consideration at its  
25 next meeting. The agreements outlined in this Stipulation are contingent upon the  
26 Commission's approval of the Stipulation and the accompanying Decision and Order.  
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4. This Stipulation resolves all factual and legal issues raised by the Commission without needing an administrative hearing to determine the Respondent's liability.

5. Respondent understands and knowingly and voluntarily waives any 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 Commission or an impartial hearing officer hear this matter.

6. Respondent agrees that the terms of this Stipulation constitute compliance with SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a reference to each violation, and an order.

7. Respondent agrees to hold the City of San Diego and the Ethics Commission harmless from any claims or damages resulting from the Commission's investigation, this stipulated agreement, or any matter reasonably related to it.

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

9. The parties agree that if the Commission refuses to accept this Stipulation, it shall become null and void. Respondent further agrees that if the Commission rejects the Stipulation and a full evidentiary hearing becomes necessary, no member of the Commission or its staff shall be disqualified because of their prior consideration of this Stipulation.

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**Summary of Law and Facts**

10. In March 2016, Respondent incorporated Grassroots Resources Corporation ("Grassroots"). Between March 2016 and June 15, 2023, the last date Grassroots filed a Statement of Information with the California Secretary of State, the Respondent held various positions, including the Chief Executive Officer, Secretary, Chief Financial Officer, President, Partner, and Majority Shareholder. Grassroots was a business development, public relations, and marketing services company that served, in part, cannabis clients.

11. Blue Water Government Affairs LLC (Blue Water) was a lobbyist for cannabis companies and one of Grassroots' clients. The SDMC defines lobbying as a "direct communication with a City Official to influence a municipal decision on behalf of any other person." (SDMC § 27.4002).

12. According to the Respondent, in or around November 2020, Blue Water retained and paid Grassroots to provide digital access to campaign materials.

13. On November 3, 2020, Stephen Whitburn (Whitburn) won the election to serve as the City Councilperson for District 3. Whitburn hired Respondent as Chief of Staff, and Respondent assumed office on December 10, 2020.

14. In 2021, Whitburn's office proposed amendments to San Diego Municipal Code Section 141.0504, entitled Cannabis Outlets (the Cannabis Ordinance). Respondent began attending official city meetings regarding the proposed amendments.

15. The Ethics Ordinance requires that certain City of San Diego employees file a statement of economic interest (SEI), a document used to disclose an employee's financial interests to avoid and identify potential conflicts of interest in public service. (See SDMC § 27.3510(b)). An initial SEI is filed when employees subject to the SEI requirement assume office: "Every Filer assuming office shall file a statement of economic interests within 30 calendar days after assuming office. . ." (SDMC §

27.3510(e)). Schedule A-2 of the SEI form requires a filer to report investments, income and assets of business entities or trusts. Specifically, it requires a filer to disclose each reportable single source of income of \$10,000 or more.

16. Respondent reported Blue Water on his Assuming Office SEI as a source of income of \$10,000 or more to Grassroots between December 10, 2019 and December 9, 2020. According to the Respondent, the payment was for digital campaign services for a candidate in the 2020 election as referenced in paragraph 12. The payment was not compensation for anything related to the City's Cannabis Ordinance.

17. Between July 1, 2021 and September 30, 2021, Blue Water directly lobbied Respondent regarding "[u]pdates to city of San Diego commercial cannabis ordinances." Blue Water reported receiving \$2,000 for participating in this lobbying effort.

18. The Ethics Ordinance prohibits "any City Official to participate in any municipal decision where a party to the municipal decision has, within the previous twelve months, given the City Official, promised to give the City Official, or acted as an intermediary for the City Official to have, an opportunity for compensation." (SDMC § 27.3562(a)).

19. State law prohibits a City Official from participating in a municipal decision if it is reasonably foreseeable that the decision will have a material financial effect on any person or entity from whom the official has received income of \$500 or more within the previous twelve months. (See Cal. Gov. Code § 87100 and 87103, incorporated by reference in SDMC § 27.3503).

20. A public official participates in a governmental decision if the official provides information, an opinion, or a recommendation to affect the decision without significant intervening substantive review. (Cal. Code of Regs. § 87100).

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**Counts**

**Count 1 – Violation of SDMC section 27.3562(a)**

21. Respondent violated SDMC section 27.3562(a) by participating in a lobbying contact with Blue Water on a municipal decision within 12 months of receiving more than \$500 in income from Blue Water. This contact had a material financial effect on Blue Water which was paid \$2,000 to initiate the lobbying contact.

**Factors in Mitigation**

22. Respondent fully cooperated with the Commission's investigation.

**Conclusion**

23. Respondent agrees to take necessary and prudent precautions to ensure compliance with all provisions of the City's Ethics Ordinance in the future.

24. Respondent acknowledges that the Commission may impose increased fines concerning future violations of the City's Ethics Ordinance laws.

25. Respondent agrees to pay a fine in the amount of \$5,000 for violating SDMC section 27.3562(a). This amount must be paid by check or money order made payable to the City Treasurer by August 29, 2025. The payment will be held pending Commission approval of this Stipulation and execution of the Decision and Order portion set forth below.

DATED: \_\_\_\_\_ [REDACTED]  
Bryn Kirvin, Petitioner  
SAN DIEGO ETHICS COMMISSION

DATED: \_\_\_\_\_ [REDACTED]  
Jesus Cardenas, Respondent

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**DECISION AND ORDER**

The Ethics Commission considered the above Stipulation at its meeting on September 11, 2025. The Ethics Commission hereby approves the Stipulation and orders that, per the Stipulation, the Respondent pay a fine in the amount of \$5,000.

DATED: \_\_\_\_\_ [REDACTED]  
Paul Cooper, Chair  
SAN DIEGO ETHICS COMMISSION