1	STACEY FULHORST, Executive Director City of San Diego Ethics Commission	
2	1010 Second Avenue, Suite 1530	
3	San Diego, CA 92101 Telephone: (619) 533-3476	
4	Facsimile: (619) 533-3448	
5	Petitioner	
6		
7	BEFORE THE CITY OF SAN DIEGO	
8	ETHICS COMMISSION	
9		
10	In re the Matter of:) Case No.: No. 2004-18
11	CHARLES AMBERS, JR.,) STIPULATION, DECISION AND ORDER
12	Respondent.)
13) _)
14	THE PARTIES STIPULATE AS FOLLOWS:	
15	1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics	
16	Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,	
17	implement, and enforce local governmental et	nics laws contained in the San Diego Municipal
18	Code [SDMC] relating to, among other things	, the filing of Statements of Economic Interests
19	[SEIs] as required by the City's Ethics Ordina	nce.
20	2. Respondent Charles Ambers Jr. [Re	espondent] is a member of the Old Town San
21	Diego Planned District Design Review Board.	He assumed this office on April 9, 2002.
22	3. This Stipulation, Decision and Ord	er [Stipulation] will be submitted for consideration
23	by the Ethics Commission at its next schedule	d meeting, and the agreements contained herein are
24	contingent upon the approval of the Stipulation and the accompanying Decision and Order by th	
25	Ethics Commission.	
26	4. This Stipulation resolves all factual	and legal issues raised in this matter by the Ethics
27	Commission without the necessity of holding an administrative hearing to determine the	
28	Respondent's liability.	

///

- 5. 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 an impartial hearing officer hear this matter.
- 6. The 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.
- 7. The parties agree that in the event the Ethics Commission refuses to accept this Stipulation, it shall become null and void. Respondent further agrees 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.

SUMMARY OF LAW AND FACTS

- 8. As a member of the Old Town San Diego Planned District Design Review Board, Respondent is a "Local Code Filer" as that term is defined by SDMC section 27.3503, and is required to file SEIs in the time and manner set forth in SDMC section 27.3510.
- 9. SDMC section 27.3510(e) requires every filer who assumes a position in the City to file an assuming office SEI within thirty calendar days of assuming office.
- 10. SDMC section 27.3510(c) requires all Local Code Filers to file an annual SEI on or before April 1 of each year, covering the period from January 1 through December 31 of the previous calendar year.
- 11. The Ethics Commission, in accordance with SDMC section 26.0425, authorized a formal investigation of a complaint alleging that Respondent failed to comply with provisions of SDMC section 27.3510.

1	12. Following the investigation, Petitioner concluded that the Respondent failed to	
2	timely file an annual SEI for the 2003 calendar year, failed to timely file an annual SEI for the	
3	2002 calendar year, and failed to timely file an assuming office SEI.	
4	COUNT 1	
5	[Violation of SDMC Section 27.3510]	
6	13. Respondent failed to file an SEI disclosing his economic interests for the 2003	
7	calendar year on or before April 1, 2004, as required by SDMC section 27.3510.	
8	COUNT 2	
9	[Violation of SDMC Section 27.3510]	
10	14. Respondent failed to file an SEI disclosing his economic interests for the 2002	
11	calendar year on or before April 1, 2003, as required by SDMC section 27.3510. Respondent's	
12	2002 annual SEI was filed on November 20, 2003, approximately seven months late.	
13	COUNT 3	
14	[Violation of SDMC Section 27.3510]	
15	15. Respondent failed to timely file his assuming office SEI within thirty days of	
16	assuming office, as required by SDMC section 27.3510. Respondent assumed office on April 9,	
17	2002, but did not file his assuming office SEI until January 15, 2004, approximately nineteen	
18	months late.	
19	STIPULATIONS AND ORDER	
20	AGREEMENT	
21	16. Respondent agrees to file an SEI disclosing his economic interests for the 2003	
22	calendar year on or before August 12, 2004.	
23	17. Respondent agrees to take necessary and prudent precautions to ensure timely	
24	filing of SEIs in the future, and to comply with all provisions of the Ethics Ordinance.	
25	FACTORS IN AGGRAVATION	
26	18. The City Clerk sent Respondent a letter on February 12, 2004, reminding him to	
27	file an annual SEI for the 2003 calendar year on or before April 1, 2004. The City Clerk sent	
28	Respondent another letter on April 14, 2004, informing Respondent that his 2003 annual SEI had	

I	not been received, and asking him to file it on or before May 14, 2004. On June 17, 2004, the	
2	Ethics Commission sent Respondent a letter reiterating his filing responsibilities and asking him	
3	to file the overdue SEI on or before July 22, 2004. In addition, the Ethics Commission staff left	
4	telephone messages for Respondent on July 12, July 14, and July 16, 2004. Despite these efforts	
5	by the City Clerk and the Ethics Commission, Respondent has continued to fail to file his 2003	
6	annual SEI.	
7	19. The City Clerk sent Respondent a letter on February 11, 2003, reminding him to	
8	file an annual SEI for the 2002 calendar year, as well as an assuming office SEI, on or before	
9	April 1, 2003. The City Clerk sent Respondent another letter on April 23, 2003, informing him	
10	that his SEIs had not been received, and asking him to file them immediately. The Ethics	
11	Commission wrote to Respondent on October 24, 2003, reiterating his filing responsibilities and	
12	asking him to file the overdue SEIs on or before November 12, 2003. In addition, the	
13	Commission staff contacted Respondent by telephone on numerous occasions. Despite these	
14	efforts by the City Clerk and the Ethics Commission, Respondent did not file his 2002 annual	
15	SEI until November 20, 2003, and did not file his assuming office SEI until January 15, 2004.	
16	CONCLUSION	
17	20. Respondent shall pay a fine in the amount of \$900 for violations of SDMC section	
18	27.3510 (Counts 1, 2, and 3). This amount must be paid no later than September 17, 2004.	
19	21. This Stipulation shall not become effective until Respondent has provided to the	
20	Ethics Commission the amount set forth in paragraph 20, by check or money order made payable	
21	to the City Treasurer.	
22	DATED:	
23	STACEY FULHORST, Executive Director ETHICS COMMISSION, Petitioner	
24	ETTICS COMMISSION, Tettuoliei	
25	DATED:	
26	CHARLES AMBERS JR., Respondent	
27		
28	///	
	-4-	

DECISION AND ORDER The Ethics Commission has considered the above Stipulation at its meeting on August 12, 2004. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$900. DATED:_____ DOROTHY LEONARD, Vice-Chair SAN DIEGO ETHICS COMMISSION