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. 2004-23
11	KEVIN DE FREITAS,) STIPULATION, DECISION AND ORDER
12	Respondent.)
13		_)
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. Respondent Kevin deFreitas [Respondent] is a member of the Centre City Area	
22	Committee [CCAC]. He assumed this office a	approximately six years ago.
23	3. This Stipulation, Decision and Order [Stipulation] will be submitted for consideration	
24	by the Ethics Commission at its next scheduled meeting, and the agreements contained herein are	
25	contingent upon the approval of the Stipulatio	n and the accompanying Decision and Order by the
26	Ethics Commission.	
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- 4. This Stipulation resolves all factual and legal issues raised in this matter by the Ethics Commission without the necessity of holding an administrative hearing to determine the 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 CCAC, 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 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.
- 10. The Ethics Commission, in accordance with SDMC section 26.0425, authorized a formal investigation of a complaint alleging that Respondent failed to comply with the provisions of SDMC section 27.3510.

1	11. Following the investigation, Petitioner concluded that Respondent failed to timely	
2	file his annual SEI for the 2003 calendar year.	
3	<u>Counts</u>	
4	Count One – Violation of SDMC section 27.3510	
5	12. Respondent failed to file an SEI disclosing his economic interests for the 2003	
6	calendar year on or before April 1, 2004, as required by SDMC section 27.3510.	
7	Factors in Aggravation	
8	13. The City Clerk sent Respondent a letter on February 12, 2004, reminding him to	
9	file an annual SEI for the 2003 calendar year on or before April 1, 2004. The City Clerk sent	
10	Respondent another letter on April 14, 2004, informing Respondent that his 2003 annual SEI had	
11	not been received, and asking him to file it on or before May 14, 2004. The Ethics Commission	
12	sent Respondent a letter on June 21, 2004, concerning his failure to timely file his 2003 annual	
13	SEI. The Ethics Commission staff spoke to Respondent on July 14, 2004, at which time he	
14	agreed to file his SEI immediately. Despite the foregoing, Respondent has continued to fail to	
15	file his SEI to the present time.	
16	14. The Ethics Commission distributed training videos to the CCAC in July of 2003.	
17	The video includes a discussion of gift limits as well as SEI filing requirements. Since that time	
18	Respondent has failed to return a certification form indicating that he watched this training	
19	video. The Ethics Commission wrote to Respondent on January 15, 2004, and advised him that	
20	failure to take advantage of this training opportunity would be considered a factor in aggravation	
21	should he ever be the subject of an Ethics Commission investigation.	
22	Conclusion	
23	15. Respondent agrees to file an SEI disclosing his economic interests for the 2003	
24	calendar year on or before October 27, 2004.	
25	16. Respondent agrees to take necessary and prudent precautions to ensure timely	
26	filing of SEIs in the future, and to comply with all provisions of the Ethics Ordinance.	
27	17. Respondent shall pay a fine in the amount of \$750 for violation of SDMC section	
28	27.3510. This amount must be paid no later than October 27, 2004.	

1	18. This Stipulation shall not become effective until Respondent has provided to the	
2	Ethics Commission the amount set forth in paragraph 17, by check or money order made payable	
3	to the City Treasurer.	
4	DATED.	
5	DATED: STACEY FULHORST, Executive Director	
6	ETHICS COMMISSION, Petitioner	
7	DATED:	
8	KEVIN DE FREITAS, Respondent	
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10	DECISION AND ORDER	
11	The Ethics Commission has considered the above Stipulation at its meeting on November	
12	18, 2004. The Ethics Commission hereby approves the Stipulation and orders that, in accordance	
13	with the Stipulation, Respondent pay a fine in the amount of \$750.	
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15	DATED:	
16	DOROTHY L.W. SMITH, Chair SAN DIEGO ETHICS COMMISSION	
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