

1 STACEY FULHORST, Executive Director
2 City of San Diego Ethics Commission
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7 Petitioner

8 **BEFORE THE CITY OF SAN DIEGO**
9 **ETHICS COMMISSION**

10 In re the Matter of:) Case No.: No. 2004-31
11)
12 STEPHEN REDFEARN,) **STIPULATION, DECISION AND**
13) **ORDER**
14 Respondent.)
15)
16)

17 **THE PARTIES STIPULATE AS FOLLOWS:**

18 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics
19 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,
20 implement, and enforce local governmental ethics laws contained in the San Diego Municipal
21 Code [SDMC] relating to, among other things, the filing of Statements of Economic Interests
22 [SEIs] as required by the City's Ethics Ordinance.

23 2. Respondent Stephen Redfearn [Respondent] is a member of the Qualcomm Stadium
24 Advisory Board [QSAB]. He assumed this office on May 4, 1998; however, the City Council
25 did not adopt a Conflict of Interest Code for the QSAB until October 19, 1998.

26 3. This Stipulation, Decision and Order [Stipulation] will be submitted for consideration
27 by the Ethics Commission at its next scheduled meeting, and the agreements contained herein are
28 contingent upon the approval of the Stipulation and the accompanying Decision and Order by the
Ethics Commission.

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1 11. Following the investigation, Petitioner concluded that Respondent failed to timely
2 file his annual SEI for the 2003 calendar year.

3 **COUNT 1**

4 **[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. Respondent did
7 not file his 2003 annual SEI until August 20, 2004, more than four months after it was originally
8 due.

9 **STIPULATIONS AND ORDER**

10 **AGREEMENT**

11 13. Respondent agrees to take necessary and prudent precautions to ensure timely
12 filing of SEIs in the future, and to comply with all provisions of the Ethics Ordinance.

13 **FACTORS IN AGGRAVATION**

14 14. The City Clerk sent Respondent a letter on February 12, 2004, reminding him to
15 file an annual SEI for the 2003 calendar year on or before April 1, 2004. The City Clerk sent
16 Respondent another letter on April 14, 2004, informing Respondent that his 2003 annual SEI had
17 not been received, and asking him to file it on or before May 14, 2004. The Ethics Commission
18 sent Respondent a letter on June 24, 2004, concerning his failure to timely file his 2003 annual
19 SEI. In addition, the Ethics Commission staff left Respondent two telephone messages on July
20 14, 2004, and July 21, 2004. Despite the foregoing, Respondent did not file his 2003 annual SEI
21 until August 20, 2004, more than four months after it was originally due.

22 15. The Respondent has a history of not timely filing his SEIs. In particular,
23 Respondent filed his annual SEI for the 1999 calendar year on April 6, 2000, two days late.
24 Respondent filed his annual SEI for the 2000 calendar year on April 4, 2001, two days late.
25 Finally, Respondent filed his annual SEI for the 2001 calendar year on April 23, 2002, twenty-
26 one days late.

27 16. The Ethics Commission distributed training videos to the QSAB in July of 2003.
28 The video includes a discussion regarding SEI filing requirements. Since that time, Respondent

1 has failed to return a certification form indicating that he watched this training video. The Ethics
2 Commission wrote to Respondent on January 15, 2004, and advised him that a failure to take
3 advantage of this training opportunity would be considered a factor in aggravation should he ever
4 be the subject of an Ethics Commission investigation.

5 **CONCLUSION**

6 17. Respondent shall pay a fine in the amount of \$1,500 for violation of SDMC
7 section 27.3510. This amount must be paid no later than November 17, 2004.

8 18. This Stipulation shall not become effective until Respondent has provided to the
9 Ethics Commission the amount set forth in paragraph 17, by check or money order made payable
10 to the City Treasurer.

11 DATED: _____

12 _____
13 STACEY FULHORST, Executive Director
14 ETHICS COMMISSION, Petitioner

15 DATED: _____

16 _____
17 STEPHEN REDFEARN, Respondent

18 **DECISION AND ORDER**

19 The Ethics Commission has considered the above Stipulation at its meeting on November
20 18, 2004. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
21 with the Stipulation, Respondent pay a fine in the amount of \$1,500.

22 DATED: _____

23 _____
24 DOROTHY L.W. SMITH, Chair
25 SAN DIEGO ETHICS COMMISSION