1	STACEY FULHORST, Executive Director		
2	City of San Diego Ethics Commission 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.: 2006-36	
11	MARY ZOELLER,	) 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. At all times mentioned herein, Mary Zoeller was a member of the Board of		
22	Directors of the San Diego Data Processing Corporation [SDDPC]. Zoeller is referred to herein		
23	as "Respondent."		
24	3. This Stipulation will be submitted for consideration by the Ethics Commission at its		
25	next scheduled meeting, and the agreements contained herein are contingent upon the approval		
26	of the Stipulation and the accompanying Decision and Order by the Ethics Commission.		
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STIPULATION, DECISION, AND ORDER

- 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 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. Respondent agrees to hold the City of San Diego harmless from any and all claims or damages resulting from the Commission's investigation or this stipulated agreement, or any matter reasonably related thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a reference to each violation, and an order.
- 6. 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 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 member of the SDDPC Board, Respondent is a "High Level Filer" as that term is defined by SDMC section 27.3503.

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1	15. Respondent agrees to pay a fine in the amount of \$1,500 for violating SDMC	
2	section 27.3510(c). This amount must be paid no later than September 15, 2006, by check or	
3	money order made payable to the City Treasurer. The submitted payment will be held pending	
4	Commission approval of this Stipulation and execution of the Decision and Order set forth below.	
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6	DATED.	
7 8	DATED:  STACEY FULHORST, Executive Director ETHICS COMMISSION, Petitioner	
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10	DATED: MARY ZOELLER, Respondent	
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12	DECISION AND ORDER	
13	The Ethics Commission considered the above Stipulation at its meeting on,	
14	2006. The Ethics Commission hereby approves the Stipulation and orders that, in accordance	
15	with the Stipulation, Respondent pay a fine in the amount of \$1,500.	
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17	DATED:	
18	Dorothy Leonard, Chair SAN DIEGO ETHICS COMMISSION	
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STIPULATION, DECISION, AND ORDER