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

BEFORE THE CITY OF SAN DIEGO
ETHICS COMMISSION

In re the Matter of: ) Case No.: 2008-22
RICHARD GEISLER, ) STIPULATION, DECISION, AND
) ORDER
Respondent.

STIPULATION

THE PARTIES STIPULATE AS FOLLOWS:

1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer, implement, and enforce local governmental ethics laws contained in the San Diego Municipal Code [SDMC] relating to, among other things, the provisions of the City’s Ethics Ordinance.

2. At all times mentioned herein, Richard Geisler was a member of the Board of Directors of the Southeastern Economic Development Corporation [SEDC]. Mr. Geisler is referred to herein as “Respondent.”

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

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. Because Respondent is a member of the SEDC Board of Directors, he is a “City Official” as defined in the Ethics Ordinance. SDMC § 27.3503.

9. SDMC section 27.3571 prohibits Respondent from soliciting campaign contributions from City employees, including employees of City agencies such as SEDC.

10. On February 5, 2008, Respondent sent an e-mail to Kimberly King, the Administrative Assistant to SEDC President Carolyn Smith. In the e-mail, Respondent asked Ms. King to deliver an attached document to Ms. Smith. The document consisted of an
invitation to a fundraising reception Respondent was hosting for Marti Emerald, a candidate for
City Council District 7 in the June 2008 primary election. The invitation stated that the
“suggested contribution” to the Emerald campaign was $270.

Counts

Count 1 - Violation of SDMC section 27.3571

11. Respondent solicited a campaign contribution from a City employee in violation of
SDMC section 27.3571 when he invited the President of SEDC to a fundraising reception.

Factors in Aggravation

12. Because the SEDC President reports directly to the SEDC Board of Directors,
Respondent has considerable influence and authority over the SEDC President. This is a factor
in aggravation because the law prohibiting the solicitation of contributions from City employees
is intended to prevent a situation in which a City employee feels induced or coerced into making
a monetary contribution at the request of someone who is in a position to retaliate against or
otherwise punish that employee.

Factors in Mitigation

13. Respondent fully cooperated with the Ethics Commission investigation.

Conclusion

14. Respondent agrees to take necessary and prudent precautions to comply with all
provisions of the Ethics Ordinance in the future.
15. Respondent agrees to pay a fine in the amount of $500 for violating SDMC section 27.3571. This amount must be paid no later than August 8, 2008, by check or money order made payable to the City Treasurer. The submitted payment will be held pending Commission approval of this Stipulation and execution of the Decision and Order portion set forth below.

DATED:__________________

STACEY FULHORST, Executive Director
ETHICS COMMISSION, Petitioner

DATED:__________________

RICHARD GEISLER, Respondent

DEcision AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on August 14, 2008. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of $500.

DATED:__________________

Guillermo Cabrera, Chair
SAN DIEGO ETHICS COMMISSION