

1 STACEY FULHORST, Executive Director  
City of San Diego Ethics Commission  
2 1010 Second Avenue, Suite 1530  
San Diego, CA 92101  
3 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.: 2008-30  
11 MICHAEL MUELLER, )  
12 Respondent. ) **STIPULATION, DECISION, AND**  
13 ) **ORDER**  
\_\_\_\_\_ )

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, Michael Mueller was a member of the College  
22 Community Project Area Committee [CCPAC]. Mueller is referred to herein as "Respondent."

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

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1 **Factors in Aggravation**

2 15. The City Clerk sent Respondent numerous letters regarding his filing  
3 responsibilities, both before and after the filing deadline for his 2007 annual SEI. Despite these  
4 efforts by the City Clerk, Respondent failed to timely file his 2007 annual SEI.

5 16. Respondent has a prior history of not timely filing SEIs. In particular, as a  
6 member of the CCPAC, Respondent entered into a stipulation with the Ethics Commission on  
7 November 9, 2006, and paid a \$200 fine associated with the late filing of his 2005 annual SEI.

8 **Conclusion**

9 17. Respondent agrees to pay a fine in the amount of \$2,000 for violating SDMC  
10 section 27.3510. This fine will be waived, however, if Respondent appears with Ethics  
11 Commission staff at the meetings of five different Project Area Committees prior to September  
12 1, 2009, to speak to committee members about the importance of adhering to the provisions of  
13 the City's Ethics Ordinance, including the timely filing of SEIs and the accurate disclosure of  
14 economic interests.

15 18. Respondent agrees that if he fails to satisfy the condition set forth in paragraph 17  
16 prior to September 1, 2009, he will pay the \$2,000 fine no later than September 30, 2009, by  
17 check or money order made payable to the City Treasurer. Respondent acknowledges that if the  
18 fine is not timely paid in full, the Commission may refer the collection of the fine to the City  
19 Treasurer's Collection Division, which may pursue any or all available legal remedies to recover  
20 late penalties, interest, and costs, in addition to seeking the outstanding balance owed.

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22 DATED: \_\_\_\_\_

\_\_\_\_\_  
23 STACEY FULHORST, Executive Director  
24 ETHICS COMMISSION, Petitioner

25 DATED: \_\_\_\_\_

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26 MICHAEL MUELLER, Respondent  
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**DECISION AND ORDER**

The Ethics Commission considered the above Stipulation at its meeting on \_\_\_\_\_, 2009. The Ethics Commission hereby approves the Stipulation and agrees to waive the \$2,000 fine if Respondent satisfies the conditions set forth in paragraph 17. Alternatively, if Respondent fails to satisfy the conditions set forth in paragraph 17, the Ethics Commission orders that Respondent pay a fine in the amount of \$2,000 on or before September 30, 2009.

DATED: \_\_\_\_\_  
Guillermo Cabrera, Chair  
SAN DIEGO ETHICS COMMISSION