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.: 2008-60		
11	GORTON, MOORE & MULANIX,) STIPULATION, DECISION, AND) ORDER		
12	Respondent.			
13)		
14	STIPU	JLATION		
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 eth	ics laws contained in the San Diego Municipal		
19	Code [SDMC] relating to, among other things,	the provisions of the City of San Diego's		
20	Municipal Lobbying Ordinance [Lobbying Ord	linance].		
21	2. Respondent Gorton, Moore & Mul	anix [Respondent] is a lobbying firm.		
22	Respondent registered as a lobbying firm with the Office of the City Clerk on March 3, 2008.			
23	3. This Stipulation will be submitted	for consideration by the Ethics Commission at its		
24	next scheduled meeting, and the agreements co	ontained herein are contingent upon the approval		
25	of the Stipulation and the accompanying Decis	ion and Order by the Ethics Commission.		
26	4. This Stipulation resolves all factua	l and legal issues raised in this matter by the		
27	Ethics Commission without the necessity of holding an administrative hearing to determine			
28	Respondent's liability.			
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1	5. Respondent understands and knowingly and voluntarily waives any and all
2	procedural rights under the SDMC, including, but not limited to, a determination of probable
3	cause, the issuance and receipt of an administrative complaint, the right to appear personally in
4	any administrative hearing held in this matter, the right to confront and cross-examine witnesses
5	testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to
6	have the Ethics Commission or an impartial hearing officer hear this matter. Respondent agrees
7	to hold the City of San Diego harmless from any and all claims or damages resulting from the
8	Commission's investigation or this stipulated agreement, or any matter reasonably related
9	thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with
10	the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a
11	reference to each violation, and an order.
12	6. Respondent acknowledges that this Stipulation is not binding upon any other law
13	enforcement or government agency and does not preclude the Ethics Commission from referring
14	this matter to, cooperating with, or assisting any other law enforcement or government agency
15	with regard to this or any other related matter.
16	7. The parties agree that in the event the Ethics Commission refuses to accept this
17	Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics
18	Commission rejects the Stipulation and a full evidentiary hearing before the Ethics Commission
19	becomes necessary, no member of the Ethics Commission or its staff shall be disqualified
20	because of prior consideration of this Stipulation.
21	Summary of Law and Facts
22	8. The City's Municipal Lobbying Ordinance requires registered lobbying firms to file
23	quarterly disclosure reports with the City Clerk for every calendar quarter during which they
24	retain their status as a lobbying firm. (SDMC § 27.4015.) The filing deadline for quarterly
25	disclosure reports is no later than the last day of the months of April, July, October, and January.
26	(SDMC § 27.4016.)
27	9. Respondent registered as a lobbying firm with the Office of the City Clerk on
28	March 3, 2008 and terminated its registration on November 13, 2008.
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1	10. Respondent was required to file its quarterly disclosure report for the first quarter of
2	2008 on April 30, 2008. Respondent did not file its first quarterly disclosure report until
3	November 13, 2008, 197 days late. Respondent disclosed two lobbying contacts for that period.
4	11. Respondent was required to file its quarterly disclosure report for the second quarter
5	of 2008 on July 31, 2008. Respondent did not file its second quarterly disclosure report until
6	September 23, 2008, 54 days late. Respondent disclosed one contribution to a City candidate.
7	12. On October 9, 2008, the Ethics Commission, in accordance with SDMC section
8	26.0425, authorized a formal investigation into a complaint alleging that Respondent failed to
9	comply with provisions of SDMC sections 27.4015 and 27.4016.
10	13. Following the investigation, Petitioner concluded that the Respondent failed to
11	timely file its disclosure reports for the first and second quarters of 2008.
12	<u>Counts</u>
13	Counts 1 and 2 – Violations of SDMC section 27.4015 and 27.4016
14	14. Registered lobbying firms are required to file quarterly disclosure reports. The first
15	quarterly disclosure report must be filed with the City Clerk by April 30, 2008 and the second
16	quarterly disclosure report by July 31, 2008. (SDMC §§ 27.4015, 27.4016.) As described above
17	in Paragraphs 10 and 11, Respondent failed to timely file its disclosure reports for the first and
18	second quarters of 2008.
19	Factors In Aggravation
20	15. The City Clerk wrote to Respondent on March 14, 2008, reminding Respondent that
21	the first quarterly disclosure report was due by April 30, 2008. The City Clerk sent a second
22	letter to Respondent on May 14, 2008, advising Respondent that the first quarterly disclosure
23	report was late, and asking it to file the report before June 16, 2008. Despite these notifications
24	by the City Clerk, Respondent did not file its report until November 13, 2008, more than 6
25	months after it was originally due.
26	16. The City Clerk wrote to Respondent on June 16, 2008, reminding Respondent that
27	the second quarterly disclosure report was due by July 31, 2008. The City Clerk sent a second
28	letter to Respondent on August 15, 2008, advising Respondent that the second quarterly
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	disclosure report was late, and asking Respondent to file the report before September 15, 2008.		
2	Despite these notifications by the City Clerk, Respondent did not file its second quarterly		
3	disclosure report until September 23, 2008, more than 50 days after it was originally due.		
-	Factors In Mitigation		
	17. Respondent fully cooperated with the Commission's investigation.		
	18. Respondent's second quarterly disclosure report, although filed late, was filed		
	prior to Commission staff contacting Respondent.		
	Conclusion		
	19. Respondent agrees to take necessary and prudent precautions to comply with all		
	provisions of the Lobbying Ordinance in the future.		
	20. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC		
	sections 27.4015 and 27.4016. This amount shall be paid no later than January 19, 2009, by		
	check or money order 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:		
	GORTON, MOORE & MULANIX, Respondent By: Mitch Mulanix		
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1	DECISION AND ORDER		
2	The Ethics Commission considered the above Stipulation at its meeting on,		
3	2009. The Ethics Commission hereby approves the Stipulation and orders that, in accordance		
4	with the Stipulation, Respondent pays a fine in the amount of \$500.		
5	DATED:		
6	Richard Valdez, Vice-Chair		
7	SAN DIEGO ETHICS COMMISSION		
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