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.: 2011-65						
11	SAN DIEGO ASSOCIATION OF REALTORS,STIPULATION, DECISION AND ORDER						
12	Respondent.						
13)						
14							
15	STIPULATION						
16	THE PARTIES STIPULATE AS FOLLOWS:						
17	1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego						
18	Ethics Commission [Ethics Commission]. The Ethics Commission is charged with a duty to						
19	administer, implement, and enforce local governmental ethics laws contained in the San Diego						
20	Municipal Code [SDMC] relating to, among other things, the provisions of the City's Municipal						
21	Lobbying Ordinance.						
22	2. At all times mentioned herein, Respondent San Diego Association of Realtors						
23	[Respondent] was an organization lobbyist registered with the Office of the City Clerk.						
24	3. This Stipulation, Decision and Order [Stipulation] will be submitted for						
25	consideration by the Ethics Commission at its next scheduled meeting, and the agreements						
26	contained herein are contingent upon the approval of the Stipulation and the accompanying						
27	Decision and Order by the Ethics Commission.						
28	///						
	-1- 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 the
 Respondent's liability.

4 5. Respondent understands and knowingly and voluntarily waives any and all 5 procedural rights under the SDMC, including, but not limited to, a determination of probable 6 cause, the issuance and receipt of an administrative complaint, the right to appear personally in 7 any administrative hearing held in this matter, the right to confront and cross-examine witnesses 8 testifying at the hearing, the right to subpoen a witnesses to testify at the hearing, and the right to 9 have the Ethics Commission or a volunteer hearing officer hear this matter. Respondent agrees 10 to hold the City of San Diego harmless from any and all claims or damages resulting from the 11 Commission's investigation or this stipulated agreement, or any matter reasonably related 12 thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with 13 the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a reference to each violation, and an order. 14

6. The Respondent acknowledges that this Stipulation is not binding upon any other
law enforcement or government agency and does not preclude the Ethics Commission from
cooperating with or assisting any other law enforcement or government agency with regard to
this or any other related matter.

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 City Ethics
 Commission becomes necessary, no member of the Ethics Commission or its staff shall be
 disqualified because of prior consideration of this Stipulation.

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Summary of Law and Facts

8. The Lobbying Ordinance requires organization lobbyists to file quarterly disclosure
reports no later than the last day of the months of April, July, October, and January, covering the
preceding calendar quarter. SDMC §§ 27.4015, 27.4016.

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1	9. On January 5	, 2011, Responde	ent registered as an	organization lobbyi	ist for the 2011		
2	calendar year with the Office of the City Clerk.						
3	10. Respondent filed a disclosure report for the second quarter of 2011 on September						
4	30, 2011, approximately two months after the August 1, 2011, deadline (July 31, 2011, fell on a						
5	Sunday).						
6	<u>Counts</u>						
7	Count 1 – Violation of SDMC sections 27.4015 and 27.4016						
8	11. Respondent failed to timely file a disclosure report for the second quarter of 2011 i						
9	violation of SDMC sections 27.4015 and 27.4016. Respondent's quarterly disclosure report was						
10	due on August 1, 2011, but Respondent did not file it until September 30, 2011.						
11	Factors in Aggravation						
12	12. Respondent is an experienced organization lobbyist in the City of San Diego, and						
13	was aware of the Lobbying Ordinance's quarterly filing requirements. Moreover, staff in the						
14	City Clerk's office sent several letters to Respondent reminding the organization that its second						
15	quarter report was due by August 1, 2011.						
16	13. Respondent has an extensive history of failing to timely file quarterly disclosure						
17	reports. In particular, Respondent paid a \$200 fine in August of 2009 for failing to timely file its						
18	2008 third and fourth quarter disclosure reports. In addition, Respondent filed four additional						
19	quarterly disclosure reports late, as follows:						
20	Report Period	Due Date	Filing Date	Days Late			
21	1 st quarter, 2009	04/30/09	05/26/09	26			
22	3 rd quarter, 2009	10/31/09	11/18/09	18			
23	3 rd quarter, 2010	10/31/10	11/08/10	8			
24	4 th quarter, 2010	01/31/11	02/03/11	3			
25		Factor	rs in Mitigation				
26	14. Respondent h	as implemented a	additional procedure	es and safeguards to	o ensure that its		
27	quarterly disclosure reports are timely filed in the future.						
28	///						
		STIPULATION	-3- I, DECISION, AND ORD	ER			

<u>Conclusion</u>					
15. Respondent agrees to take necessary and prudent precautions to comply with all					
provisions of the City's Municipal Lobbying Ordinance in the future.					
16. Respondent acknowledges that the Ethics Commission may impose increased fines					
in connection with any future violations of the City's lobbying laws.					
17. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC sections					
27.4015 and 27.4016. This amount must be paid no later than December 9, 2011, 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:					
City of San Diego Ethics Commission					
DATED:					
SAN DIEGO ASSOCIATION OF REALTORS, Respondent					
By: Michael Mercurio, Chief Executive Officer					
DECISION AND ORDER					
The Ethics Commission has considered the above Stipulation at its meeting on					
, 2011. The Ethics Commission hereby approves the Stipulation and					
orders that, in accordance with the Stipulation, Respondent pays a fine in the amount of \$500.					
DATED:					
Clyde Fuller, Chair SAN DIEGO ETHICS COMMISSION					
-4- STIPULATION, DECISION, AND ORDER					