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	<b>BEFORE THE CITY OF SAN DIEGO</b>
8	ETHICS COMMISSION
9	
10	In re the Matter of: ) Case No.: 2011-04
11	GERDING EDLEN DEVELOPMENT, ) 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 Gerding Edlen Development
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 15, 2010, Respondent registered as an organization lobbyist for the
2	2010 calendar year with the Office of the City Clerk.
3	10. Respondent failed to file a disclosure report for the third quarter of 2010 until
4	December 1, 2010, approximately one month after the November 1, 2010, deadline (October 31,
5	2010, fell on a Sunday). According to the disclosure report ultimately filed by Respondent, the
6	organization's principals lobbied eight City Officials concerning an agreement for the
7	redevelopment of the San Diego Civic Center during the third quarter of 2010.
8	<u>Counts</u>
9	Count 1 – Violation of SDMC sections 27.4015 and 27.4016
10	11. Respondent failed to timely file a 2010 third quarter disclosure report as required by
11	SDMC sections 27.4015 and 27.4016. Respondent's quarterly disclosure report for the third
12	quarter of 2010 was due on November 1, 2010, but Respondent did not file it until December 1,
13	2010.
14	Factors in Aggravation
15	12. Respondent is an experienced organization lobbyist in the City of San Diego, and
16	was aware of the Lobbying Ordinance's quarterly filing requirements. Moreover, staff in the
17	City Clerk's office sent several letters to Respondent reminding the organization that its third
18	quarter report was due by November 1, 2010.
19	13. Respondent has a history of failing to timely file quarterly disclosure reports. In
20	particular, Respondent paid a \$400 fine in August of 2009 for failing to timely file its 2008
21	second and third quarter disclosure reports, and a \$400 fine in January of 2010 for failing to
22	timely file its 2009 third quarter disclosure report.
23	<u>Conclusion</u>
24	14. Respondent agrees to take necessary and prudent precautions to comply with all
25	provisions of the City's Municipal Lobbying Ordinance in the future.
26	15. Respondent agrees to pay a fine in the amount of \$1,000 for violating SDMC
27	sections 27.4015 and 27.4016. This amount must be paid no later than March 18, 2011, by check
28	or money order made payable to the City Treasurer. The submitted payment will be held
	-3- STIPULATION, DECISION, AND ORDER

1	pending Commission approval of this Stipulation and execution of the Decision and Order
2	portion set forth below.
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4	DATED: STACEY FULHORST, Petitioner
5	City of San Diego Ethics Commission
6	DATED:
7	GERDING EDLEN DEVELOPMENT, Respondent By: Brent Gaulke, Vice President
8	By: Bront Sudike, vice Hestdont
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10	DECISION AND ORDER
11	The Ethics Commission has considered the above Stipulation at its meeting on
12	, 2011. The Ethics Commission hereby approves the Stipulation and
13	orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$1,000.
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15	DATED: Larry Westfall, Chair
16	SAN DIEGO ETHICS COMMISSION
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	-4- STIPULATION, DECISION, AND ORDER
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