1 2 3 4	STACEY FULHORST, Executive Director City of San Diego Ethics Commission 1010 Second Avenue, Suite 1530 San Diego, CA 92101 Telephone: (619) 533-3476 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.: 2011-05
11	LATITUDE 33 PLANNING &) ENGINEERING,)	STIPULATION, DECISION AND ORDER
12	Respondent.	
13		
14		
15	STIPULATION	
16	THE PARTIES STIPULATE AS FOLLOWS:	
17	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, Latitude 33 Planning & Engineering [Respondent]	
23	was a lobbying firm registered with the Office of the City Clerk.	
24	3. This Stipulation, Decision and Orde	r [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		

STIPULATION, DECISION, AND ORDER

6

10

12

11

13 14

15

16 17

18

19

20 21

22

23

24

25 26

27

28

///

- 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.
- 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 a volunteer 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. 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.
- 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 City 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. The Lobbying Ordinance requires lobbying firms 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.

1	16. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC section	
2	27.4015 and 27.4016. This amount must be paid no later than May 6, 2011, by check or money	
3	order made payable to the City Treasurer. The submitted payment will be held pending	
4	Commission approval of this Stipulation and execution of the Decision and Order portion set	
5	forth below.	
6	DATED:	
7 8	STACEY FULHORST, Petitioner City of San Diego Ethics Commission	
9	DATED:	
10 11	LATITUDE 33 PLANNING & ENGINEERING, Respondent By: Theodore Shaw	
12		
13	DECISION AND ORDER	
14	The Ethics Commission has considered the above Stipulation at its meeting on	
15	, 2011. The Ethics Commission hereby approves the Stipulation and	
16	orders that, in accordance with the Stipulation, Respondent pays a fine in the amount of \$500.	
17		
18	DATED:	
19	Larry Westfall, Chair SAN DIEGO ETHICS COMMISSION	
20		
21		
22		
23		
24		
25		
26		
27		
28		
	Α	

STIPULATION, DECISION, AND ORDER