STACEY FULHORST, Executive Director
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Petitioner

BEFORE THE CITY OF SAN DIEGO
ETHICS COMMISSION

In re the Matter of:

LATITUDE 33 PLANNING & ENGINEERING,

Respondent.

Case No.: 2011-05
STIPULATION, DECISION AND ORDER

STIPULATION

THE PARTIES STIPULATE AS FOLLOWS:

1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer, implement, and enforce local governmental ethics laws contained in the San Diego Municipal Code [SDMC] relating to, among other things, the provisions of the City’s Municipal Lobbying Ordinance.

2. At all times mentioned herein, Latitude 33 Planning & Engineering [Respondent] was a lobbying firm registered with the Office of the City Clerk.

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

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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.

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9. On January 22, 2010, Respondent registered as a lobbying firm for the 2010
   calendar year with the Office of the City Clerk.

10. Respondent failed to file a disclosure report for the third quarter of 2010 until
   December 3, 2010, more than a month after the November 1, 2010, deadline (October 31, 2010,
   fell on a Sunday). According to the disclosure report ultimately filed by Respondent, the firm’s
   principal lobbied two City Officials concerning land use issues on behalf of Vons Companies
   and Scripps Healthcare during the third quarter of 2010.

   **Counts**

   **Count 1 – Violation of SDMC sections 27.4015 and 27.4016**

11. Respondent failed to timely file a 2010 third quarter disclosure report as required by
   SDMC sections 27.4015 and 27.4016. Respondent’s quarterly disclosure report for the third
   quarter of 2010 was due on November 1, 2010, but Respondent did not file it until December 3,
   2010.

   **Factors in Aggravation**

12. Respondent has been a registered lobbying firm since 2008, and was aware of the
   Lobbying Ordinance’s quarterly filing requirements. Moreover, staff in the City Clerk’s office
   sent several letters to Respondent reminding the firm that its third quarter report was due by
   November 1, 2010.

   **Factors in Mitigation**

13. Respondent fully cooperated with the Ethics Commission’s investigation.

   **Conclusion**

14. Respondent agrees to take necessary and prudent precautions to comply with all
   provisions of the City’s Municipal Lobbying Ordinance in the future.

15. Respondent acknowledges that the Ethics Commission may impose increased fines
   in connection with any future violations of the City’s Municipal Lobbying Ordinance.
16. 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 May 6, 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:_________________  __________________________________________
STACEY FULHORST, Petitioner
City of San Diego Ethics Commission

DATED:_________________  __________________________________________
LATITUDE 33 PLANNING & ENGINEERING,
Respondent
By: Theodore Shaw

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:_________________  __________________________________________
Larry Westfall, Chair
SAN DIEGO ETHICS COMMISSION