STACEY FULHORST, Executive Director  
City of San Diego Ethics Commission  
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Petitioner  

BEFORE THE CITY OF SAN DIEGO  
ETHICS COMMISSION  

In re the Matter of:  
DOWNTOWN SAN DIEGO PARTNERSHIP,  
Respondent.  

Case No.: 2012-03  

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, Respondent Downtown San Diego Partnership [Respondent] was an organization lobbyist 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 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.

10. Respondent filed a disclosure report for the third quarter of 2011 on December 9, 2011, more than five weeks after the October 31, 2011, deadline. According to the disclosure report ultimately filed by Respondent, the organization’s representative had 31 contacts with City Officials during the third quarter of 2011 for the purpose of influencing decisions concerning the redevelopment and construction of a new Civic Center, and the restructuring of redevelopment in San Diego.

Counts

Count 1 – Violation of SDMC sections 27.4015 and 27.4016

11. Respondent failed to timely file a 2011 third quarter disclosure report as required by SDMC sections 27.4015 and 27.4016. Respondent’s quarterly disclosure report for the third quarter of 2011 was due on October 31, 2011, but Respondent did not file it until December 9, 2011.

Factors in Aggravation

12. Respondent is an experienced organization lobbyist and was aware of quarterly filing requirements. Moreover, staff in the City Clerk’s office sent two letters to Respondent reminding the organization that its third quarter report was due by October 31, 2011.

Factors in Mitigation

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

14. Respondent has implemented additional procedures and safeguards to ensure that its quarterly disclosure reports are timely filed in the future.

Conclusion

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.

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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 March 2, 2012, 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:__________________

JANELLE RIELLA, Vice President of Public Policy on behalf of Respondent DOWNTOWN SAN DIEGO PARTNERSHIP

DECISION AND ORDER

The Ethics Commission has considered the above Stipulation at its meeting on ________________, 2012. 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
CITY OF SAN DIEGO ETHICS COMMISSION