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.: 2012-03
11	DOWNTOWN SAN DIEGO PARTERSHIP,) 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 Downtown San Diego Partnership
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.
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	-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 14 reference to each violation, and an order.

15 6. The Respondent acknowledges that this Stipulation is not binding upon any other
16 law enforcement or government agency and does not preclude the Ethics Commission from
17 cooperating with or assisting any other law enforcement or government agency with regard to
18 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 February 28, 2011, Respondent registered as an organization lobbyist for the
2	2011 calendar year with the Office of the City Clerk.
3	10. Respondent filed a disclosure report for the third quarter of 2011 on December 9,
4	2011, more than five weeks after the October 31, 2011, deadline. According to the disclosure
5	report ultimately filed by Respondent, the organization's representative had 31 contacts with
6	City Officials during the third quarter of 2011 for the purpose of influencing decisions
7	concerning the redevelopment and construction of a new Civic Center, and the restructuring of
8	redevelopment in San Diego.
9	<u>Counts</u>
10	Count 1 – Violation of SDMC sections 27.4015 and 27.4016
11	11. Respondent failed to timely file a 2011 third quarter disclosure report as required by
12	SDMC sections 27.4015 and 27.4016. Respondent's quarterly disclosure report for the third
13	quarter of 2011 was due on October 31, 2011, but Respondent did not file it until December 9,
14	2011.
15	Factors in Aggravation
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10	12. Respondent is an experienced organization lobbyist and was aware of quarterly
17	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
17	filing requirements. Moreover, staff in the City Clerk's office sent two letters to Respondent
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17 18 19 20	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. <u>Factors in Mitigation</u> 13. Respondent fully cooperated with the Ethics Commission's investigation.
17 18 19 20 21	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. <u>Factors in Mitigation</u> 13. Respondent fully cooperated with the Ethics Commission's investigation. 14. Respondent has implemented additional procedures and safeguards to ensure that its
 17 18 19 20 21 22 	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. <u>Factors in Mitigation</u> 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.
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 17 18 19 20 21 22 23 24 	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. <u>Factors in Mitigation</u> 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. <u>Conclusion</u> 15. Respondent agrees to take necessary and prudent precautions to comply with all
 17 18 19 20 21 22 23 24 25 	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. <u>Factors in Mitigation</u> 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. <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.
 17 18 19 20 21 22 23 24 25 26 	 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. <u>Factors in Mitigation</u> 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. <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
 17 18 19 20 21 22 23 24 25 26 27 	 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. <u>Factors in Mitigation</u> 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. <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.

1	17. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC
2	sections 27.4015 and 27.4016. This amount must be paid no later than March 2, 2012, by check
3	or money order made payable to the City Treasurer. The submitted payment will be held
4	pending Commission approval of this Stipulation and execution of the Decision and Order
5	portion set forth below.
6	DATED:
7	STACEY FULHORST, Petitioner CITY OF SAN DIEGO ETHICS COMMISSION
8	CITT OF SAN DIEGO ETHICS COMMISSION
9	DATED:
10 11	JANELLE RIELLA, Vice President of Public Policy on behalf of Respondent DOWNTOWN SAN DIEGO PARTNERSHIP
11	
12	DECISION AND ODDED
13	DECISION AND ORDER
15	The Ethics Commission has considered the above Stipulation at its meeting on
16	, 2012. The Ethics Commission hereby approves the Stipulation and
17	orders that, in accordance with the Stipulation, Respondent pays a fine in the amount of \$500.
18	DATED:
19	CLYDE FULLER, Chair CITY OF SAN DIEGO ETHICS COMMISSION
20	CITY OF SAN DIEGO ETHICS COMMISSION
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