1 2	STACEY FULHORST, Executive Director City of San Diego Ethics Commission
3	1010 Second Avenue, Suite 1530 San Diego, CA 92101
4	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.: 2012-17
11	ROBERT GRISWOLD,) STIPULATION, DECISION, AND) ORDER
12	Respondent.
13)
14	STIPULATION
15	THE PARTIES STIPULATE AS FOLLOWS:
16	1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics
17	Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,
18	implement, and enforce local governmental ethics laws contained in the San Diego Municipal
19	Code [SDMC] relating to, among other things, the filing of Statements of Economic Interests
20	[SEIs] as required by the City's Ethics Ordinance.
21	2. At all times mentioned herein, Robert Griswold was a member of the City of San
22	Diego's Planning Commission and the principal of Griswold Real Estate Management, Inc.
23	Griswold is referred to herein as "Respondent."
24	3. This Stipulation will be submitted for consideration by the Ethics Commission at its
25	next scheduled meeting, and the agreements contained herein are contingent upon the approval
26	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
 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 an impartial 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, this stipulated agreement, or any matter reasonably related thereto. 12 Respondent further agrees that the terms of this Stipulation constitute compliance with the 13 provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a 14 reference to each violation, and an order.

6. Respondent acknowledges that this Stipulation is not binding upon any other law
enforcement or government agency and does not preclude the Ethics Commission from referring
this case to, cooperating with, or assisting any other law enforcement or government agency with
regard to this or any other related matters.

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 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. As a member of the City's Planning Commission, Respondent is a "High Level
Filer" as that term is defined by SDMC section 27.3503, and is required to file an annual SEI on
or before April 1 of each year, covering the period from January 1 through December 31 of the
///

previous calendar year, in accordance with the disclosure guidelines in the California
 Government Code. SDMC § 27.3510.

3 9. According to California Government Code sections 82030 and 87203, Respondent 4 is required to disclose income from any source located within the City of San Diego, doing 5 business in the City of San Diego, planning to do business in the City of San Diego, or having 6 done business in the City of San Diego in the prior two year period. In addition, California 7 Government Code section 82030 states that the income of an individual includes the individual's 8 pro rata share of income received by any business entity in which the individual has a ten percent 9 or greater ownership interest, and California Government Code section 87207 states that filers 10 must disclose the names of sources of income to a business entity if the filer's pro rata share of 11 the gross income from a single source was \$10,000 or more during the reporting period.

12 10. On March 10, 2009, Respondent filed his SEI for the 2008 calendar year. Although
13 Respondent disclosed his receipt of income from Griswold Real Estate Management, Inc., he
14 failed to disclose that he had received income of \$10,000 or more from various clients of his
15 business.

16 11. On February 25, 2010, Respondent filed his SEI for the 2009 calendar year.
17 Although Respondent disclosed his receipt of income from Griswold Real Estate Management,
18 Inc., he failed to disclose that he had received income of \$10,000 or more from various clients of
19 his business.

20 12. On March 17, 2011, Respondent filed his SEI for the 2010 calendar year. Although
21 Respondent disclosed his receipt of income from Griswold Real Estate Management, Inc., he
22 failed to disclose that he had received income of \$10,000 or more from various clients of his
23 business.

24 13. On March 14, 2012, Respondent filed his SEI for the 2011 calendar year. Although
25 Respondent disclosed his receipt of income from Griswold Real Estate Management, Inc., he
26 failed to disclose that he had received income of \$10,000 or more from various clients of his
27 business.

28 ////

1	14. On May 17, 2012, Respondent filed amended annual SEIs for 2008, 2009, 2010,
2	and 2011, and disclosed sources of income of \$10,000 or more to Griswold Real Estate
3	Management, Inc. Although these sources of income are located in or doing business in the City
4	of San Diego, the vast majority are not involved in the development or construction industry and
5	are unlikely to have business pending before the Planning Commission. (They paid Griswold
6	Real Estate Management for property management services and/or expert witness testimony.)
7	Moreover, Mr. Griswold provided information demonstrating that he promptly recused himself
8	in the rare situation when one of his sources of income did have a matter pending before the
9	Planning Commission.
10	Counts
11	Counts 1 through 4 – Violations of SDMC section 27.3510
12	15. Respondent violated SDMC section 27.3510 by failing to timely disclose on his
13	2008 annual SEI the reportable sources of income to Griswold Real Estate Management, Inc.
14	16. Respondent violated SDMC section 27.3510 by failing to timely disclose on his
15	2009 annual SEI the reportable sources of income to Griswold Real Estate Management, Inc.
16	17. Respondent violated SDMC section 27.3510 by failing to timely disclose on his
17	2010 annual SEI the reportable sources of income to Griswold Real Estate Management, Inc.
18	18. Respondent violated SDMC section 27.3510 by failing to timely disclose on his
19	2011 annual SEI the reportable sources of income to Griswold Real Estate Management, Inc.
20	Factors in Mitigation
21	19. Respondent fully cooperated with the Ethics Commission investigation.
22	Conclusion
23	20. Respondent agrees to take necessary and prudent precautions to comply with all
24	provisions of the Ethics Ordinance in the future. In particular, Respondent agrees to fully and
25	completely disclose his economic interests.
26	21. Respondent acknowledges that the Ethics Commission may impose increased fines
27	in connection with any future violations of the City's ethics laws.
28	///
	-4- STIPULATION, DECISION, AND ORDER

1	22. Respondent agrees to pay a fine in the amount of \$1,000 for the violations of
2	SDMC section 27.3510 referenced above. This amount must be paid no later than August 3,
3	2012, by check or money order made payable to the City Treasurer. The submitted payment will
4	be held pending Commission approval of this Stipulation and execution of the Decision and
5	Order portion set forth below.
6	
7	DATED: [REDACTED]
8	STACEY FULHORST, Executive Director ETHICS COMMISSION, Petitioner
9	
10	[REDACTED] DATED:
11	ROBERT GRISWOLD, Respondent
12	
13	
14	DECISION AND ORDER
15	The Ethics Commission considered the above Stipulation at its meeting on August 9,
16	2012. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
16 17	2012. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$1,000.
	with the Stipulation, Respondent pay a fine in the amount of \$1,000.
17	with the Stipulation, Respondent pay a fine in the amount of \$1,000. [REDACTED] DATED:
17 18	with the Stipulation, Respondent pay a fine in the amount of \$1,000. [REDACTED]
17 18 19	with the Stipulation, Respondent pay a fine in the amount of \$1,000. DATED: Clyde Fuller, Chair
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 17 18 19 20 21 22 23 24 25 26 	with the Stipulation, Respondent pay a fine in the amount of \$1,000. DATED: [REDACTED] Clyde Fuller, Chair SAN DIEGO ETHICS COMMISSION
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