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: ) Case No.: 2012-17
ROBERT GRISWOLD, ) STIPULATION, DECISION, AND ORDER
   Respondent.

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 filing of Statements of Economic Interests [SEIs] as required by the City’s Ethics Ordinance.

2. At all times referred herein, Robert Griswold was a member of the City of San Diego’s Planning Commission and the principal of Griswold Real Estate Management, Inc. Griswold is referred to herein as “Respondent.”

3. This 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 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 an impartial 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, 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. 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.

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 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. 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.

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

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

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

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

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

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14. On May 17, 2012, Respondent filed amended annual SEIs for 2008, 2009, 2010, and 2011, and disclosed sources of income of $10,000 or more to Griswold Real Estate Management, Inc. Although these sources of income are located in or doing business in the City of San Diego, the vast majority are not involved in the development or construction industry and are unlikely to have business pending before the Planning Commission. (They paid Griswold Real Estate Management for property management services and/or expert witness testimony.) Moreover, Mr. Griswold provided information demonstrating that he promptly recused himself in the rare situation when one of his sources of income did have a matter pending before the Planning Commission.

Counts

Counts 1 through 4 – Violations of SDMC section 27.3510

15. Respondent violated SDMC section 27.3510 by failing to timely disclose on his 2008 annual SEI the reportable sources of income to Griswold Real Estate Management, Inc.

16. Respondent violated SDMC section 27.3510 by failing to timely disclose on his 2009 annual SEI the reportable sources of income to Griswold Real Estate Management, Inc.

17. Respondent violated SDMC section 27.3510 by failing to timely disclose on his 2010 annual SEI the reportable sources of income to Griswold Real Estate Management, Inc.

18. Respondent violated SDMC section 27.3510 by failing to timely disclose on his 2011 annual SEI the reportable sources of income to Griswold Real Estate Management, Inc.

Factors in Mitigation

19. Respondent fully cooperated with the Ethics Commission investigation.

Conclusion

20. Respondent agrees to take necessary and prudent precautions to comply with all provisions of the Ethics Ordinance in the future. In particular, Respondent agrees to fully and completely disclose his economic interests.

21. Respondent acknowledges that the Ethics Commission may impose increased fines in connection with any future violations of the City’s ethics laws.

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22. Respondent agrees to pay a fine in the amount of $1,000 for the violations of
SDMC section 27.3510 referenced above. This amount must be paid no later than August 3,
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.

[REDACTED]

DATED:__________________

STACEY FULHORST, Executive Director
ETHICS COMMISSION, Petitioner

[REDACTED]

DATED:__________________

ROBERT GRISWOLD, Respondent

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on August 9,
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.

[REDACTED]

DATED:__________________

Clyde Fuller, Chair
SAN DIEGO ETHICS COMMISSION