

1 STACEY FULHORST, Executive Director
City of San Diego Ethics Commission
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San Diego, CA 92101
3 Telephone: (619) 533-3476
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5 Petitioner

6
7 **BEFORE THE CITY OF SAN DIEGO**
8 **ETHICS COMMISSION**

9
10 In re the Matter of:) Case No.: No. 2003-48
11)
LESLIE SANGUINETTI,) **STIPULATION, DECISION AND**
12) **ORDER**
Respondent.)
13)

14 **THE PARTIES STIPULATE AS FOLLOWS:**

15 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics
16 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,
17 implement, and enforce local governmental ethics laws contained in the San Diego Municipal
18 Code [SDMC] relating to, among other things, the filing of Statements of Economic Interests
19 [SEIs] as required by the City's Ethics Ordinance.

20 2. Respondent Leslie Sanguinetti [Respondent] is a member of the North Bay Project
21 Area Committee. She was elected to this position in October of 2001.

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

26 4. This Stipulation resolves all factual and legal issues raised in this matter by the Ethics
27 Commission without the necessity of holding an administrative hearing to determine the
28 Respondent's liability.

1 5. Respondent understands and knowingly and voluntarily waives any and all procedural
2 rights under the SDMC, including, but not limited to, a determination of probable cause, the
3 issuance and receipt of an administrative complaint, the right to appear personally in any
4 administrative hearing held in this matter, the right to confront and cross-examine witnesses
5 testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to
6 have the Ethics Commission or an impartial hearing officer hear this matter.

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

11 7. The parties agree that in the event the Ethics Commission refuses to accept this
12 Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics
13 Commission rejects the Stipulation and a full evidentiary hearing before the City Ethics
14 Commission becomes necessary, no member of the Ethics Commission or its staff shall be
15 disqualified because of prior consideration of this Stipulation.

16 **SUMMARY OF LAW AND FACTS**

17 8. SDMC section 27.3510 requires all Local Code Filers to file an annual SEI on or
18 before April 1 of each year, covering the period from January 1 through December 31 of the
19 previous calendar year.

20 9. As a member of the North Bay Project Area Committee, Respondent is a “Local Code
21 Filer” as that term is defined by SDMC section 27.3503, and is required to file an SEI in the time
22 and manner set forth in SDMC section 27.3510.

23 10. SDMC section 27.3510 requires the disclosure of certain economic interest
24 information pursuant to the Conflict of Interest Code adopted by the City Council for each
25 agency.

26 11. As a member of the North Bay Project Area Committee, Respondent’s SEI must be
27 completed in accordance with the Conflict of Interest Code for Redevelopment Project
28 Committees adopted by the San Diego City Council on March 20, 1990.

1 12. The Ethics Commission, in accordance with SDMC section 26.0425, authorized a
2 formal investigation of a complaint alleging that Respondent failed to comply with provisions of
3 SDMC section 27.3510.

4 13. Following the investigation, Petitioner concluded that the Respondent failed to
5 timely file an annual SEI for the 2002 calendar year, failed to timely file an SEI for the 2001
6 calendar year, failed to adequately disclose the required economic interest information on her
7 annual SEI for the 2001 calendar year, and failed to timely file an amended SEI for the 2001
8 calendar year.

9 **COUNT 1**

10 **[Violation of SDMC Section 27.3510]**

11 14. Respondent failed to timely file an SEI disclosing her economic interests for the
12 2002 calendar year. SDMC section 27.3510 requires the filing of annual SEIs on or before April
13 1. Respondent filed her 2002 annual SEI on February 10, 2004, approximately 316 days late.

14 **COUNT 2**

15 **[Violation of SDMC Sections 27.3510]**

16 15. Respondent failed to timely file an SEI for the 2001 calendar year. SDMC section
17 27.3510 requires the filing of annual SEIs on or before April 1. Respondent filed her 2001 annual
18 SEI on July 3, 2002, approximately ninety-three days late.

19 **COUNT 3**

20 **[Violation of SDMC Sections 27.3510]**

21 16. Respondent failed to adequately disclose economic interest information on her
22 2001 annual SEI, and failed to timely file an amended SEI with the required information, in
23 violation of SDMC section 27.3510. Although a notice regarding the need for amendment was
24 sent to Respondent on December 16, 2003, requesting that the amendment be filed within thirty
25 days, Respondent did not file it until February 10, 2004.

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1 **STIPULATIONS AND ORDER**

2 **AGREEMENT**

3 17. Respondent agrees to take necessary and prudent precautions to ensure timely
4 filing of SEIs in the future.

5 **FACTORS IN AGGRAVATION**

6 18. The City Clerk sent Respondent a letter on February 13, 2003, asking her to file
7 an annual SEI for the 2002 calendar year on or before April 1, 2003. The City Clerk sent
8 Respondent another letter on April 23, 2003, indicating that her 2002 annual SEI had not been
9 received, and asking her to file it immediately. The Ethics Commission sent certified letters to
10 Respondent on October 24, 2003, and December 16, 2003, explaining her filing responsibilities
11 and asking her to file a 2002 annual SEI, as well as an amendment to her 2001 annual SEI. The
12 Commission staff left telephone messages for Respondent at her place of business on November
13 17, 2003, November 20, 2003, December 4, 2003, and December 9, 2003. Despite the efforts by
14 the City Clerk and the Ethics Commission, Respondent did not file the requisite SEIs until
15 February 10, 2004.

16 **CONCLUSION**

17 19. Respondent shall pay a fine in the amount of \$300 for violations of SDMC section
18 27.3510 (Counts 1, 2 and 3). This amount must be paid no later than February 27, 2004.

19 20. This Stipulation shall not become effective until Respondent has provided to the
20 Ethics Commission the amount set forth in paragraph 19, by check or money order made payable
21 to the City Treasurer.

22 DATED: _____

23 _____
24 STACEY FULHORST, Executive Director
25 ETHICS COMMISSION, Petitioner

26 DATED: _____

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28 LESLIE SANGUINETTI, Respondent

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DECISION AND ORDER

The Ethics Commission has considered the above Stipulation at its meeting on February 12, 2004. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$300.

DATED: _____

DOROTHY L.W. SMITH, Chair
SAN DIEGO ETHICS COMMISSION