

1 STACEY FULHORST, Executive Director  
2 City of San Diego Ethics Commission  
3 1010 Second Avenue, Suite 1530  
4 San Diego, CA 92101  
5 Telephone: (619) 533-3476  
6 Facsimile: (619) 533-3448

7 Petitioner

8 **BEFORE THE CITY OF SAN DIEGO**  
9 **ETHICS COMMISSION**

10 In re the Matter of: ) Case No.: No. 2004-04  
11 )  
12 EQUITY RESIDENTIAL PROPERTIES ) **STIPULATION, DECISION AND**  
13 MANAGEMENT CORP., ) **ORDER**  
14 )  
15 Respondent. )  
16 )

17 **THE PARTIES STIPULATE AS FOLLOWS:**

18 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics  
19 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,  
20 implement, and enforce local governmental ethics laws contained in the San Diego Municipal  
21 Code [SDMC] relating to, among other things, the making of campaign contributions and the  
22 filing of campaign statements as required by the City's Election Campaign Control Ordinance  
23 [ECCO].

24 2. Respondent Equity Residential Properties Management Corp. [Respondent] is an  
25 organization registered with the California Secretary of State as a major donor committee  
26 (Identification No. 1253939) that made contributions to state and local committees of \$10,000 or  
27 more in a calendar year.

28 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.





1 **FACTORS IN AGGRAVATION**

2 18. Respondent's contribution was made in an envelope provided by the Friends of  
3 Dick Murphy committee, and that envelope explicitly states that corporate and business  
4 contributions are not allowed.

5 19. Before filing its amended Form 461 on March 1, 2004, Respondent failed to  
6 exercise due diligence to determine whether or not it had reimbursed its employee for the  
7 contribution to the Friends of Dick Murphy committee.

8 **FACTORS IN MITIGATION**

9 20. Petitioner has determined that the Respondent's contribution to a City candidate  
10 was an isolated instance and was not part of a broader scheme to undermine the contribution  
11 source prohibitions set forth in ECCO.

12 21. By reporting the \$150 contribution on its January 30, 2004, Form 461, Respondent  
13 demonstrated an intent to fully disclose the fact that it had made a contribution to a City  
14 candidate.

15 22. Respondent has cooperated fully with the Commission's investigation.

16 **CONCLUSION**

17 23. Respondent shall pay a fine in the amount of \$1,500 for violations of SDMC  
18 sections 27.2947 and 27.2931 (Counts 1 and 2). This amount must be paid no later than April 2,  
19 2004.

20 24. This Stipulation shall not become effective until Respondent has provided to the  
21 Ethics Commission the amount set forth in paragraph 23, by check or money order made payable  
22 to the City Treasurer.

23  
24 DATED: \_\_\_\_\_

\_\_\_\_\_  
Stacey Fulhorst, Executive Director  
ETHICS COMMISSION, Petitioner

25  
26  
27 DATED: \_\_\_\_\_

\_\_\_\_\_  
Denise Boklach Beihoffer, Vice President  
EQUITY RESIDENTIAL PROPERTIES  
MANAGEMENT CORP., Respondent

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**DECISION AND ORDER**

The Ethics Commission has considered the above Stipulation at its meeting on April 8, 2004. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$1,500.

DATED: \_\_\_\_\_

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