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.: No. 2004-11
11	KATHLEEN MCINTOSH,) STIPULATION, DECISION AND ORDER
12	Respondent.)
13		_)
14	THE PARTIES STIPULATE AS FOLLOWS:	
15	Petitioner Stacey Fulhorst is the	Executive Director of the City of San Diego
16	Ethics Commission [Ethics Commission]. The Ethics Commission is charged with a duty to	
17	administer, implement, and enforce local gove	rnmental ethics laws contained in the San Diego
18	Municipal Code [SDMC] relating to, among other things, the filing of lobbyist disclosure reports	
19	as required by the City's Municipal Lobbying	Ordinance.
20	2. Respondent Kathleen McIntosh	[Respondent] is a self-employed lobbyist.
21	Respondent has been periodically registered as a lobbyist with the Office of the City Clerk since	
22	January of 2001.	
23	3. This Stipulation, Decision and	Order [Stipulation] will be submitted for
24	consideration by the Ethics Commission at its	next scheduled meeting, and the agreements
25	contained herein are contingent upon the approval of the Stipulation and the accompanying	
26	Decision and Order by the Ethics Commission.	
27	///	
28	///	

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.

- 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 a hearing, the right to subpoena witnesses to testify at a hearing, and the right to have the Ethics Commission or an impartial hearing officer hear this matter.
- 6. The 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 matter to, cooperating with, or assisting any other law enforcement or government agency with regard to this or any other related matter.
- 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 City 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. The City's Municipal Lobbying Ordinance requires registered lobbyists to file quarterly disclosure reports no later than the last day of the months of April, July, October, and January (SDMC §§ 27.4015 and 27.4016).
- 9. Respondent's quarterly disclosure report for the fourth quarter of 2003 was due on February 2, 2004 (January 31, 2004, fell on a Saturday; February 2 was the next business day). Respondent did not file her quarterly disclosure report until March 25, 2004, fifty-two days late.
- 10. The Ethics Commission, in accordance with SDMC section 26.0425, authorized a formal investigation into a complaint alleging that Respondent failed to comply with provisions of SDMC sections 27.4015 and 27.4016.

1	11. Following the investigation, Petitioner concluded that the Respondent failed to	
2	timely file her lobbyist disclosure report for the fourth quarter of 2003.	
3	COUNT 1	
4	[Violation of SDMC Sections 27.4015 and 27.4016]	
5	12. Respondent failed to timely file her lobbyist disclosure report for the fourth quarter	
6	of 2003. SDMC sections 27.4015 and 27.4016 require registered lobbyists to file quarterly	
7	disclosure reports with the City Clerk no later than the last day of the months of April, July,	
8	October, and January. Respondent filed her fourth quarter disclosure report on March 25, 2004,	
9	fifty-two days late.	
10	AGREEMENT	
11	13. Respondent agrees to take necessary and prudent precautions to ensure compliance	
12	with all provisions of the Municipal Lobbying Ordinance in the future.	
13	FACTORS IN AGGRAVATION	
14	14. City Clerk staff wrote to Respondent on December 16, 2003, reminding her that the	
15	fourth quarter disclosure report was due by January 31, 2004. City Clerk staff sent a second	
16	letter to Respondent on February 13, 2004, advising Respondent that the fourth quarter	
17	disclosure report was late, and asking her to file the report before March 15, 2004. Despite	
18	repeated reminders and warnings by City Clerk staff, Respondent did not file her report until	
19	March 25, 2004, more than fifty days after it was originally due.	
20	15. This is not the first time that Respondent has failed to timely file a quarterly	
21	disclosure report. Respondent was nineteen days late filing her disclosure report for the second	
22	quarter of 2003.	
23	CONCLUSION	
24	16. Respondent shall pay a fine in the amount of \$500 for violating SDMC sections	
25	27.4015 and 27.4016 (Count 1). This amount shall be paid no later than June 18, 2004.	
26	///	
27	///	
28	///	

-3-

1	17. This Stipulation shall not become effective until Respondent has provided to the	
2	Ethics Commission the amount set forth in paragraph 16, by check or money order made payable	
3	to the City Treasurer.	
4		
5	DATED:	
6	STACEY FULHORST, Executive Director ETHICS COMMISSION, Petitioner	
7		
8	DATED: KATHLEEN MCINTOSH, Respondent	
9		
10		
11	DECISION AND ORDER	
12	The Ethics Commission considered the above Stipulation at its meeting on June 10, 2004.	
13	The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the	
14	Stipulation, Respondent pay a fine in the amount of \$500.	
15		
16	DATED:	
17	DOROTHY L.W. SMITH, Chair SAN DIEGO ETHICS COMMISSION	
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
	-4-	