1	STACEY FULHORST, Executive Director City of San Diego Ethics Commission 1010 Second Avenue, Suite 1530 San Diego, CA 92101 Telephone: (610) 523 3476		
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4	Telephone: (619) 533-3476 Facsimile: (619) 533-3448		
5	Petitioner		
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7	BEFORE THE CITY OF SAN DIEGO		
8	ETHICS COMMISSION		
9			
10	In re the Matter of: ()	Case No.: 2004-68	
11	DAVID ALLSBROOK,	STIPULATION, DECISION AND ORDER	
12	Respondent.	ORDER	
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 ethic	cs laws contained in the San Diego Municipal	
19	Code [SDMC] relating to, among other things, the	he filing of Statements of Economic Interests	
20	[SEIs] and the disqualification from municipal d	lecisions that affect a City Official's economic	
21	interests, as required by the City's Ethics Ordina	ince.	
22	2. Respondent David Allsbrook [Respondent David Allsbrook	ndent] is employed as the Manager of	
23	Contracting and Public Works with the Centre C	City Development Corporation [CCDC]. He has	
24	been an employee of CCDC since 1978, and has	been the Manager of Contracting and Public	
25	Works for the majority of his time with CCDC. His work generally involves the management of		
26	CCDC's real estate acquisition program.		
27	3. This Stipulation, Decision and Order	[Stipulation] will be submitted for consideration	
28	by the Ethics Commission at its next scheduled meeting, and the agreements contained herein are		
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contingent upon the approval of the Stipulation and the accompanying Decision and Order by the
 Ethics Commission.

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 6 7 procedural rights under the SDMC, including, but not limited to, a determination of probable 8 cause, the issuance and receipt of an administrative complaint, the right to appear personally in 9 any administrative hearing held in this matter, the right to confront and cross-examine witnesses 10 testifying at the hearing, the right to subpoen a witnesses to testify at the hearing, and the right to 11 have the Ethics Commission or a volunteer hearing officer hear this matter. Respondent agrees 12 to hold the City of San Diego harmless from any and all claims or damages resulting from the 13 Commission's investigation or this stipulated agreement, or any matter reasonably related 14 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 15 16 reference to each violation, and an order.

17 6. The Respondent acknowledges that this Stipulation is not binding upon any other law
18 enforcement or government agency and does not preclude the Ethics Commission from referring
19 this matter to, cooperating with, or assisting any other law enforcement or government agency
20 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.

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1	Summary of Law and Facts		
2	8. As an employee of CCDC, Respondent is a "Local Code Filer" as that term is		
3	defined by SDMC section 27.3503, and is required to file SEIs in the time and manner set forth		
4	in SDMC section 27.3510.		
5	9. SDMC section 27.3510 requires all Local Code Filers to file an annual SEI on or		
6	before April 1 of each year, covering the period from January 1 through December 31 of the		
7	previous calendar year, pursuant to the applicable Conflict of Interest Code adopted by the City		
8	Council.		
9	10. Respondent filed an SEI for the 2003 calendar year on March 10, 2004. In		
10	accordance with the Conflict of Interest Code for CCDC adopted by the City Council on		
11	November 18, 2002, Respondent was required to report income from various types of entities		
12	conducting business in the Centre City and Horton Plaza redevelopment project areas, including		
13	those in the business of real property. Respondent's wife is a real estate agent with Prudential		
14	Realty (Neuman & Neuman) and works in the downtown office. During 2003, she received		
15	commission income from Neuman & Neuman in excess of \$10,000 in connection with real estate		
16	transactions involving property located in the Centre City redevelopment project area.		
17	Respondent did not report any income received by his spouse during 2003, despite the fact that		
18	she received income in excess of \$10,000 from a reportable source.		
19	11. On February 17, 2005, several weeks after Respondent was contacted by the		
20	Ethics Commission staff regarding the omission of his spouse's income from his 2003 annual		
21	SEI, Respondent filed an amendment reflecting the income his wife received from Neuman &		
22	Neuman during calendar year 2003.		
23	Counts		
24	Count 1 - Violation of SDMC section 27.3510		
25	12. Respondent failed to disclose income from a reportable source as required by		
26	SDMC section 27.3510. In particular, Respondent failed to disclose income his wife received		
27	from Prudential Realty (Neuman & Neuman) in excess of \$10,000 during the 2003 calendar		
28	year.		
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1	Factors in Aggravation
2	13. Respondent attended an Ethics Commission training session on January 9, 2004,
3	at which time Respondent was specifically advised of the reporting requirements concerning
4	income received by a spouse.
5	<b>Factors in Mitigation</b>
6	14. After meeting with the Ethics Commission staff, Respondent understands that he
7	must consider all sources of income to his spouse of \$1,000 or more (making his community
8	property interest \$500) and must determine whether he is participating in any municipal
9	decisions that will have a material financial impact on any source of income received during the
10	previous twelve month period. Respondent has voluntarily implemented a system with his
11	spouse whereby he will be immediately apprised of any potential sources of income so that he
12	can consider whether such sources will necessitate disqualification when performing his duties as
13	Manager of Contracting and Public Works for CCDC.
14	Conclusion
15	15. Respondent agrees to take necessary and prudent precautions to comply with all
16	provisions of the Ethics Ordinance in the future. In particular, Respondent agrees to fully and
17	completely disclose his economic interests, and to disqualify himself from participating in any
18	municipal decision if it is reasonably foreseeable that the decision will have a material financial
19	impact on any source of income to him or his spouse.
20	16. Respondent shall pay a fine in the amount of \$1,500 for violation of SDMC
21	section 27.3510. This amount must be paid no later than April 8, 2005.
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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.	
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5	DATED:	
6	STACEY FULHORST, Executive Director ETHICS COMMISSION, Petitioner	
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8	DATED: DAVID ALLSBROOK, Respondent	
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11	DECISION AND ORDER	
12	The Ethics Commission has considered the above Stipulation at its meeting on April 25,	
13	2005. The Ethics Commission hereby approves the Stipulation and orders that, in accordance	
14	with the Stipulation, Respondent pay a fine in the amount of \$1,500.	
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16	DATED:	
17	DOROTHY L.W. SMITH, Chair SAN DIEGO ETHICS COMMISSION	
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