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

BEFORE THE CITY OF SAN DIEGO  
ETHICS COMMISSION  

In re the Matter of:  
DAVID ALLSBROOK,  
Respondent.  

Case No.: 2004-68  
STIPULATION, DECISION AND ORDER  

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] and the disqualification from municipal decisions that affect a City Official’s economic interests, as required by the City’s Ethics Ordinance.  

2. Respondent David Allsbrook [Respondent] is employed as the Manager of Contracting and Public Works with the Centre City Development Corporation [CCDC]. He has been an employee of CCDC since 1978, and has been the Manager of Contracting and Public Works for the majority of his time with CCDC. His work generally involves the management of CCDC’s real estate acquisition program.  

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.

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 the hearing, the right to subpoena witnesses to testify at the hearing, and the right to
have the Ethics Commission or a volunteer 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 or 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. 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.

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Summary of Law and Facts

8. As an employee of CCDC, Respondent is a “Local Code Filer” as that term is defined by SDMC section 27.3503, and is required to file SEIs in the time and manner set forth in SDMC section 27.3510.

9. SDMC section 27.3510 requires all Local Code Filers 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, pursuant to the applicable Conflict of Interest Code adopted by the City Council.

10. Respondent filed an SEI for the 2003 calendar year on March 10, 2004. In accordance with the Conflict of Interest Code for CCDC adopted by the City Council on November 18, 2002, Respondent was required to report income from various types of entities conducting business in the Centre City and Horton Plaza redevelopment project areas, including those in the business of real property. Respondent’s wife is a real estate agent with Prudential Realty (Neuman & Neuman) and works in the downtown office. During 2003, she received commission income from Neuman & Neuman in excess of $10,000 in connection with real estate transactions involving property located in the Centre City redevelopment project area. Respondent did not report any income received by his spouse during 2003, despite the fact that she received income in excess of $10,000 from a reportable source.

11. On February 17, 2005, several weeks after Respondent was contacted by the Ethics Commission staff regarding the omission of his spouse’s income from his 2003 annual SEI, Respondent filed an amendment reflecting the income his wife received from Neuman & Neuman during calendar year 2003.

Counts

Count 1 - Violation of SDMC section 27.3510

12. Respondent failed to disclose income from a reportable source as required by SDMC section 27.3510. In particular, Respondent failed to disclose income his wife received from Prudential Realty (Neuman & Neuman) in excess of $10,000 during the 2003 calendar year.
Factors in Aggravation

13. Respondent attended an Ethics Commission training session on January 9, 2004, at which time Respondent was specifically advised of the reporting requirements concerning income received by a spouse.

Factors in Mitigation

14. After meeting with the Ethics Commission staff, Respondent understands that he must consider all sources of income to his spouse of $1,000 or more (making his community property interest $500) and must determine whether he is participating in any municipal decisions that will have a material financial impact on any source of income received during the previous twelve month period. Respondent has voluntarily implemented a system with his spouse whereby he will be immediately apprised of any potential sources of income so that he can consider whether such sources will necessitate disqualification when performing his duties as Manager of Contracting and Public Works for CCDC.

Conclusion

15. 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, and to disqualify himself from participating in any municipal decision if it is reasonably foreseeable that the decision will have a material financial impact on any source of income to him or his spouse.

16. Respondent shall pay a fine in the amount of $1,500 for violation of SDMC section 27.3510. This amount must be paid no later than April 8, 2005.
17. This Stipulation shall not become effective until Respondent has provided to the Ethics Commission the amount set forth in paragraph 16, by check or money order made payable to the City Treasurer.

DATED:__________________

STACEY FULHORST, Executive Director
ETHICS COMMISSION, Petitioner

DATED:__________________

DAVID ALLSBROOK, Respondent

DECISION AND ORDER

The Ethics Commission has considered the above Stipulation at its meeting on April 25, 2005. 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