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.: 2016-04						
11	DADIAN & ASSOCIATES, INC.,) STIPULATION, DECISION AND) ORDER						
12	Respondent.						
13)						
14							
15	STIPULATION						
16	THE PARTIES STIPULATE AS FOLLOWS:						
17	1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego						
18	Ethics Commission [Ethics Commission]. The Ethics Commission is charged with a duty to						
19	administer, implement, and enforce local governmental ethics laws contained in the San Diego						
20	Municipal Code [SDMC] relating to, among other things, the provisions of the City's Municipal						
21	Lobbying Ordinance.						
22	2. At all times mentioned herein, Respondent Dadian & Associates, Inc. [Respondent]						
23	was a lobbying firm registered with the Office of the City Clerk.						
24	3. This Stipulation, Decision and Order [Stipulation] will be submitted for						
25	consideration by the Ethics Commission at its next scheduled meeting, and the agreements						
26	contained herein are contingent upon the approval of the Stipulation and the accompanying						
27	Decision and Order by the Ethics Commission.						
28	///						
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	STIPULATION, DECISION, AND ORDER						

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.

4 5. Respondent understands and knowingly and voluntarily waives any and all 5 procedural rights under the SDMC, including, but not limited to, a determination of probable 6 cause, the issuance and receipt of an administrative complaint, the right to appear personally in 7 any administrative hearing held in this matter, the right to confront and cross-examine witnesses 8 testifying at the hearing, the right to subpoen a witnesses to testify at the hearing, and the right to 9 have the Ethics Commission or a volunteer hearing officer hear this matter. Respondent agrees 10 to hold the City of San Diego harmless from any and all claims or damages resulting from the 11 Commission's investigation or this stipulated agreement, or any matter reasonably related 12 thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with 13 the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a reference to each violation, and an order. 14

Respondent acknowledges that this Stipulation is not binding upon any other law
 enforcement or government agency and does not preclude the Ethics Commission from
 cooperating with or assisting any other law enforcement or government agency with regard to
 this or any other related matter.

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. The Lobbying Ordinance requires lobbying firms to file quarterly disclosure reports
no later than the last day of the months of April, July, October, and January, covering the
preceding calendar quarter. SDMC §§ 27.4015, 27.4016.

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1	9. On February 17, 2015, Respondent registered as a lobbying firm for the 2015						
2	calendar year with the Office of the City Clerk.						
3	10. Respondent faile	ent failed to file a disclosure report for the fourth quarter of 2015 until eximately two months after the February 1, 2016, deadline (January 31,), and only after he was contacted by Commission staff. According to the ately filed by Respondent, the firm's principal lobbied six City Officials is concerning water rate increases during the fourth quarter of 2015.					
4	March 28, 2016, approximatel	ice of the City Clerk. ailed to file a disclosure report for the fourth quarter of 2015 until mately two months after the February 1, 2016, deadline (January 31, and only after he was contacted by Commission staff. According to the y filed by Respondent, the firm's principal lobbied six City Officials incerning water rate increases during the fourth quarter of 2015. <u>Counts</u> – Violation of SDMC sections 27.4015 and 27.4016 violated SDMC sections 27.4015 and 27.4016 by failing to timely file a the fourth quarter of 2015. This disclosure report was due on February id not file it until March 28, 2016. <u>Factors in Aggravation</u> s principal is an experienced lobbyist in the City of San Diego who is y filing requirements in the City's Lobbying Ordinance. Moreover,					
5	2016, fell on a Sunday), and only after he was contacted by Commission staff. According to the						
6	disclosure report ultimately filed by Respondent, the firm's principal lobbied six City Officials						
7	on municipal decisions concer	ning water rate	increases during the	e fourth quarter of 2015.			
8	Counts						
9	Count 1 – Violation of SDMC sections 27.4015 and 27.4016						
10	11. Respondent viola						
11	disclosure report covering the	losure report covering the fourth quarter of 2015. This disclosure report was due on February					
12	1, 2016, but Respondent did ne	2016, but Respondent did not file it until March 28, 2016.					
13		Factors in Aggravation					
14	12. Respondent's pri						
15	well aware of the quarterly fili	aware of the quarterly filing requirements in the City's Lobbying Ordinance. Moreover,					
16	staff in the City Clerk's office sent several emails to Respondent's principal reminding him that						
17	the firm's fourth quarter disclo	firm's fourth quarter disclosure report was due by February 1, 2016.					
18	13. Respondent has a	Respondent has a history of failing to timely file quarterly disclosure reports. In					
19	particular, Respondent failed t	o timely file the	e following quarterly	y disclosure reports:			
20	Period Covered	Due Date	Date Filed	<u>No. Days Late</u>			
21	07/01/15 - 09/30/15	11/02/15	11/23/15	21			
22	04/01/15 - 06/30/15	07/31/15	08/13/15	13			
23	10/01/14 - 12/31/14	02/02/15	02/17/15	5			
24	07/01/14 - 09/30/14	10/31/14	11/10/14	10			
25	01/31/14 - 03/31/14	04/30/14	05/13/14	13			
26	07/01/13 - 09/30/13	10/31/13	11/12/13	12			
27	04/01/13 - 06/30/13	07/31/13	08/05/13	5			
28	04/01/12 - 06/30/12	07/31/12	08/06/12	6			
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1	Period Covered	Due Date	Date Filed	No. Days Late			
2	01/13/12 - 03/31/12	04/30/12	08/01/12	93			
3	Conclusion						
4	14. Respondent agrees to take necessary and prudent precautions to comply with all						
5	provisions of the City's Municipal Lobbying Ordinance in the future.						
6	15. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC sections						
7	27.4015 and 27.4016. This amount must be paid by check or money order made payable to the						
8	City Treasurer no later than October 31, 2016. Respondent acknowledges that if the fine is not						
9	timely paid in full, the Commission may refer the collection of the fine to the City Treasurer's						
10	Collection Division, which may pursue any or all available legal remedies to recover late						
11	penalties, interest, and costs, in addition to seeking the outstanding balance owed.						
12							
13	DATED:	[]	[REDACTED]				
14							
15							
16	DATED:		[REDACTED]				
17	DADIAN & ASSOCIATES, INC., Respondent By: John Dadian, President						
18							
19	DECISION AND ORDER						
20	The Ethics Commission has considered the above Stipulation at its meeting on						
21	May 12, 2016. The Ethics Commission hereby approves the Stipulation and orders that, in						
22	accordance with the Stipulation, Respondent pay a fine in the amount of \$500.						
23							
24	DATED:	[]	REDACTED]				
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27 28							
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	STIPULATION, DECISION, AND ORDER						