STACEY FULHORST, Executive Director
City of San Diego Ethics Commission
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Petitioner

BEFORE THE CITY OF SAN DIEGO
ETHICS COMMISSION

In re the Matter of:  )  Case No.:  2017-21
)  )
ROBERT CHÁVEZ, )  STIPULATION, DECISION, AND
Respondent. )  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 provisions of the City of San Diego Ethics Ordinance [Ethics Ordinance], SDMC section 27.3501, et seq.

2.  At all times mentioned herein, Robert Chávez was a member of the City of San Diego’s Park and Recreation Board [Board] and the Chief Executive Officer of Urban Corps of San Diego County [Urban Corps]. Mr. Chávez is referred to herein as “Respondent.”

3.  This 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.

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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 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 an impartial hearing officer hear this matter. Respondent 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. Respondent agrees to hold the City of San Diego and the Ethics Commission harmless from any and all claims or damages resulting from the Commission’s investigation, this stipulated agreement, or any matter reasonably related thereto.

7. 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.

8. 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 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

9. As a member of the City’s Park and Recreation Board, Respondent was a “Local Code Filer” as that term is defined by SDMC section 27.3503, and was required to regularly file a Form 700 Statement of Economic Interests [SEI] in the time and manner set forth in SDMC section 27.3510.

10. SDMC section 27.3510 requires that all Local Code Filers 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), and a leaving office SEI within 30 days of leaving office, pursuant to the applicable Conflict of Interest Code adopted by the City Council.

11. Respondent filed his SEI for the 2015 calendar year on February 16, 2016. In accordance with the Conflict of Interest Code adopted by the City Council for the Board, Respondent was required to disclose income from any entity that supplies goods or services to the City’s Park and Recreation Department. Respondent was employed by Urban Corps during the reporting period. Respondent did not report any income on his 2015 annual SEI, despite the fact that he received income from a reportable source.

12. Respondent filed his SEI for the 2016 calendar year on March 27, 2017. In accordance with the Conflict of Interest Code adopted by the City Council for the Board, Respondent was required to disclose income from any entity that supplies goods or services to the City’s Park and Recreation Department. Respondent was employed by Urban Corps during the reporting period. Respondent did not report any income on his 2016 annual SEI, despite the fact that he received income from a reportable source.

13. Respondent filed his leaving office SEI on July 6, 2017, covering the period from January 1, 2017, through July 6, 2017. In accordance with the Conflict of Interest Code adopted by the City Council for the Board, Respondent was required to disclose income from any entity that supplies goods or services to the City’s Park and Recreation Department. Respondent was employed by Urban Corps during the reporting period. Respondent did not report any income on his leaving office SEI, despite the fact that he received income from a reportable source.

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14. Between December 18 and 21, 2017, Respondent filed amendments to the SEIs referenced above in paragraphs 11 through 13 in order to disclose income he received from Urban Corps during the respective reporting periods.

Counts

Counts 1 through 3– Violations of SDMC section 27.3510

15. Respondent violated SDMC section 27.3510 by failing to timely disclose income received from a reportable source on his 2015 annual SEI.

16. Respondent violated SDMC section 27.3510 by failing to timely disclose income received from a reportable source on his 2016 annual SEI.

17. Respondent violated SDMC section 27.3510 by failing to timely disclose income received from a reportable source on his leaving office SEI.

Factors in Mitigation

18. Respondent cooperated with the Ethics Commission investigation.

Conclusion

19. Respondent agrees to take necessary and prudent precautions to ensure compliance with all provisions of the Ethics Ordinance in the future.

20. Respondent acknowledges that the Ethics Commission may impose increased fines in connection with any future violations of the City’s Ethics Ordinance.
21. Respondent agrees to pay a fine in the amount of $1,500 for violating SDMC section 27.3510. This amount must be paid no later than February 2, 2018, by check or money order payable to the City Treasurer and delivered to the Ethics Commission office. The submitted payment will be held pending Commission approval of this Stipulation and execution of the Decision and Order portion set forth below.

DATED: _______________  [REDACTED]
Stacey Fulhorst, Petitioner
SAN DIEGO ETHICS COMMISSION

DATED: _______________  [REDACTED]
Robert Chávez, Respondent

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on February 8, 2018. 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: _______________  [REDACTED]
Deborah Cochran, Chair
SAN DIEGO ETHICS COMMISSION