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:  
MATTHEW HELM,  
Respondent.  

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 provisions of the City of San Diego Ethics Ordinance [Ethics Ordinance], SDMC section 27.3501, et seq.

2. At all times mentioned herein, Matthew Helm was an unclassified employee of the City of San Diego. He served as the Audit Manager and Deputy City Auditor in the Office of the City Auditor from 2014 through April 2016, and served as the Deputy Director in the Purchasing and Contracting Department from April 2016 through the present. Helm 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.

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.

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9. As an employee of the Office of the City Auditor and the Purchasing and Contracting Department, Respondent is a “Local Code Filer” as that term is defined by SDMC section 27.3503, and is 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, pursuant to the applicable Conflict of Interest Code adopted by the City Council. Pursuant to SDMC section 27.3503 and Government Code section 82030, Local Code filers are required to disclose their community property interests in their spouses’ income.

11. Respondent filed his SEI for the 2014 calendar year on February 18, 2015. In accordance with the Conflict of Interest Code adopted by the City Council for the Office of the City Auditor, Respondent was required to disclose income from any entity that supplies goods or services to the City. Respondent’s spouse was employed by San Diego Gas and Electric and/or Sempra Energy during the reporting period. Respondent did not report any spousal income on his 2014 SEI despite the fact that his spouse received income from a reportable source.

12. Respondent filed his SEI for the 2015 calendar year on February 26, 2016. In accordance with the Conflict of Interest Code adopted by the City Council for the Office of the City Auditor, Respondent was required to disclose income from any entity located in or doing business with the City. Respondent’s spouse was employed by San Diego Gas & Electric and/or Sempra Energy during the reporting period. Respondent did not report any spousal income on his 2015 SEI despite the fact that his spouse received income from a reportable source.

13. Respondent filed his SEI for the 2016 calendar year on February 17, 2017. In accordance with the conflict of interest code adopted by the City Council for the Purchasing and Contracting Department, Respondent was required to disclose income from any entity that supplies goods or services to the City. Respondent’s spouse was employed by San Diego Gas & Electric and/or Sempra Energy during the reporting period. Respondent did not report any spousal income on his 2016 SEI despite the fact that his spouse received income from a
14. On July 27, 2017, Respondent filed amendments to his SEIs for calendar years 2014, 2015, and 2016, and disclosed income received by his spouse from San Diego Gas & Electric and/or Sempra Energy 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 by his spouse from a reportable source on his 2014 annual SEI.

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

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

Factors in Mitigation

18. Respondent fully cooperated with the Ethics Commission investigation and immediately filed the requisite amendments to his SEIs upon being notified of the filing omission. In addition, information gathered during the Commission’s investigation, which included an extensive review of communications, examination of financial and contractual transactions, and interviews with past and current co-workers, confirmed that he undertook steps to conscientiously and deliberately refrain from participating in, or otherwise influencing, any municipal decisions that involved the financial interests of San Diego Gas & Electric and/or Sempra Energy.

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 $3,000 for violating SDMC section 27.3510. This amount must be paid by check or money order made payable to the City Treasurer no later than March 30, 2018. Respondent acknowledges that if the fine is not timely paid in full, the Commission may refer the collection of the fine to the City Treasurer’s Collection Division, which may pursue any or all available legal remedies to recover late penalties, interest, and costs, in addition to seeking the outstanding balance owed.

DATED: __________________  ______________________________________________
Stacey Fulhorst, Petitioner
SAN DIEGO ETHICS COMMISSION

DATED: __________________  ______________________________________________
Matthew Helm, Respondent

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on December 14, 2017. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of $3,000.

DATED: __________________  ______________________________________________
Deborah Cochran, Chair
SAN DIEGO ETHICS COMMISSION