

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

8 **BEFORE THE CITY OF SAN DIEGO**
9 **ETHICS COMMISSION**

10 In re the Matter of:) Case No.: 2018-06
11)
12 UNITE HERE LOCAL 30,) **STIPULATION, DECISION, AND**
13) **ORDER**
14 Respondent.)
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19 **STIPULATION**

20 **THE PARTIES STIPULATE AS FOLLOWS:**

21 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics
22 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,
23 implement, and enforce local governmental ethics laws contained in the San Diego Municipal
24 Code [SDMC] relating to, among other things, the provisions of the Municipal Lobbying
25 Ordinance, SDMC section 27.4001, *et seq.*

26 2. At all times mentioned herein, UNITE HERE Local 30 [Unite Here] was an
27 organization lobbyist registered with the Office of the City Clerk. Unite Here is referred to
28 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.

1 4. This Stipulation resolves all factual and legal issues raised in this matter by the Ethics
2 Commission without the necessity of holding an administrative hearing to determine
3 Respondent's liability.

4 5. Respondent understands and knowingly and voluntarily waives any and all procedural
5 rights under the SDMC including, but not limited to, a determination of probable cause, the
6 issuance and receipt of an administrative complaint, the right to appear personally in any
7 administrative hearing held in this matter, the right to confront and cross-examine witnesses
8 testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to
9 have the Ethics Commission or an impartial hearing officer hear this matter. Respondent agrees
10 that the terms of this Stipulation constitute compliance with the provisions of SDMC section
11 26.0450 in that the Stipulation includes a recitation of facts, a reference to each violation, and an
12 order.

13 6. Respondent agrees to hold the City of San Diego harmless from any and all claims or
14 damages resulting from the Commission's investigation, this stipulated agreement, or any matter
15 reasonably related thereto.

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

20 8. The parties agree that in the event the Ethics Commission refuses to accept this
21 Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics
22 Commission rejects the Stipulation and a full evidentiary hearing before the Ethics Commission
23 becomes necessary, no member of the Ethics Commission or its staff shall be disqualified
24 because of prior consideration of this Stipulation.

25 **Summary of Law and Facts**

26 9. The Municipal Lobbying Ordinance requires organization lobbyists to file quarterly
27 disclosure reports no later than the last day of the months of April, July, October, and January,
28 covering the preceding calendar quarter. SDMC §§ 27.4015, 27.4016.

1 10. On September 18, 2017, Respondent registered as an organization lobbyist for the
2 2017 calendar year with the Office of the City Clerk.

3 11. Respondent failed to file a disclosure report for the fourth quarter of 2017 until
4 March 21, 2018, seven weeks after the January 31, 2018, deadline. According to the disclosure
5 report ultimately filed by Respondent, its lobbyists had a total of twenty lobbying contacts with
6 City Officials concerning two municipal decisions during the fourth quarter of 2017.

7 **Counts**

8 **Count 1 – Violation of SDMC sections 27.4015 and 27.4016**

9 12. Respondent violated SDMC sections 27.4015 and 27.4016 by failing to timely file a
10 disclosure report covering the fourth quarter of 2017. This disclosure report was due on January
11 31, 2018, but Respondent did not file it until March 21, 2018.

12 **Factors in Mitigation**

13 13. Respondent fully cooperated with the Commission’s investigation.

14 14. Respondent has implemented new procedures to ensure compliance with all aspects of
15 the City’s lobbying laws in the future.

16 **Conclusion**

17 15. Respondent agrees to take necessary and prudent precautions to ensure compliance
18 with all provisions of the City’s Lobbying Ordinance in the future.

19 16. Respondent acknowledges that the Ethics Commission may impose increased fines
20 in connection with any future violations of the City’s lobbying laws.

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1 17. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC sections
2 27.4015 and 27. 4016. This amount must be paid by check or money order made payable to the
3 City Treasurer no later than October 5, 2018. The submitted payment will be held pending
4 Commission approval of this Stipulation and execution of the Decision and Order portion set
5 forth below.

[REDACTED]

7 DATED: _____

Stacey Fulhorst, Petitioner
SAN DIEGO ETHICS COMMISSION

[REDACTED]

10 DATED: _____

Brigette Browning, President
UNITE HERE LOCAL 30

13 **DECISION AND ORDER**

14 The Ethics Commission considered the above Stipulation at its meeting on October 11,
15 2018. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
16 with the Stipulation, Respondent pay a fine in the amount of \$500.

[REDACTED]

18 DATED: _____

Deborah Cochran, Chair
SAN DIEGO ETHICS COMMISSION