

1 STACEY FULHORST, Executive Director
2 City of San Diego Ethics Commission
3 1010 Second Avenue, Suite 1530
4 San Diego, CA 92101
5 Telephone: (619) 533-3476
6 Facsimile: (619) 533-3448

7 Petitioner

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

10 In re the Matter of:) Case No.: No. 2004-24
11)
12 GREGORY DIETRICH,) **STIPULATION, DECISION AND**
13) **ORDER**
14 Respondent.)
15)
16)

17 **THE PARTIES STIPULATE AS FOLLOWS:**

18 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego Ethics
19 Commission [Ethics Commission]. The Ethics Commission is charged with a duty to administer,
20 implement, and enforce local governmental ethics laws contained in the San Diego Municipal
21 Code [SDMC] relating to, among other things, the filing of Statements of Economic Interests
22 [SEIs] as required by the City's Ethics Ordinance.

23 2. Respondent Gregory Diethrich [Respondent] is a member of the City Heights Project
24 Area Committee [CHPAC]. He assumed this office on December 10, 2001.

25 3. This Stipulation, Decision and Order [Stipulation] will be submitted for consideration
26 by the Ethics Commission at its next scheduled meeting, and the agreements contained herein are
27 contingent upon the approval of the Stipulation and the accompanying Decision and Order by the
28 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.

1 **COUNT 1**

2 **[Violation of SDMC Section 27.3510]**

3 12. Respondent failed to file an SEI disclosing his economic interests for the 2003
4 calendar year on or before April 1, 2004, as required by SDMC section 27.3510. Respondent
5 filed his annual SEI for 2003 on August 24, 2004, 145 days late.

6 **STIPULATIONS AND ORDER**

7 **AGREEMENT**

8 13. Respondent agrees to take necessary and prudent precautions to ensure timely
9 filing of SEIs in the future, and to comply with all provisions of the Ethics Ordinance.

10 **FACTORS IN AGGRAVATION**

11 14. The City Clerk sent Respondent a letter on February 12, 2004, reminding him to
12 file an annual SEI for the 2003 calendar year on or before April 1, 2004. The City Clerk sent
13 Respondent another letter on April 14, 2004, informing Respondent that his 2003 annual SEI had
14 not been received, and asking him to file it on or before May 14, 2004. The Ethics Commission
15 sent Respondent a letter on June 24, 2004, concerning his failure to timely file his 2003 annual
16 SEI. In addition, the Ethics Commission staff sent Respondent an e-mail on July 14, 2004, and
17 left him two telephone messages on July 16, 2004, and July 22, 2004. Despite the foregoing,
18 Respondent did not file his SEI until August 24, 2004, 145 days after it was originally due.

19 15. The Respondent has a history of not timely filing his SEIs. In particular,
20 Respondent filed his annual SEI for the 2002 calendar year on May 27, 2003, fifty-six days after
21 it was originally due.

22 16. The Ethics Commission distributed training videos to the CHPAC in July of 2003.
23 The video includes a discussion regarding SEI filing requirements. Since that time, Respondent
24 has failed to return a certification form indicating that he watched this training video. The Ethics
25 Commission wrote to Respondent on January 15, 2004, and advised him that a failure to take
26 advantage of this training opportunity would be considered a factor in aggravation should he ever
27 be the subject of an Ethics Commission investigation.

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1 **CONCLUSION**

2 17. Respondent shall pay a fine in the amount of \$900 for violation of SDMC section
3 27.3510. This amount must be paid in full no later than June 30, 2005.

4 18. This Stipulation shall not become effective until Respondent has provided to the
5 Ethics Commission the amount set forth in paragraph 17, by check or money order made payable
6 to the City Treasurer.

7 DATED: _____
8 STACEY FULHORST, Executive Director
9 ETHICS COMMISSION, Petitioner

10 DATED: _____
11 GREGORY DIETRICH, Respondent

12 **DECISION AND ORDER**

13
14 The Ethics Commission has considered the above Stipulation at its meeting on December
15 16, 2004. The Ethics Commission hereby approves the Stipulation and orders that, in accordance
16 with the Stipulation, Respondent pay a fine in the amount of \$900.

17
18 DATED: _____
19 DOROTHY L.W. SMITH, Chair
20 SAN DIEGO ETHICS COMMISSION