

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

6
7 **BEFORE THE CITY OF SAN DIEGO**
8 **ETHICS COMMISSION**

9
10 In re the Matter of:) Case No.: 2011-04
11 GERDING EDLEN DEVELOPMENT,) **STIPULATION, DECISION AND**
12 Respondent.) **ORDER**
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 Gerding Edlen Development
23 [Respondent] was an organization lobbyist 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.

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1 4. This Stipulation resolves all factual and legal issues raised in this matter by the
2 Ethics Commission without the necessity of holding an administrative hearing to determine the
3 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 subpoena 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
14 reference to each violation, and an order.

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

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

24 **Summary of Law and Facts**

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

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1 pending Commission approval of this Stipulation and execution of the Decision and Order
2 portion set forth below.

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4 DATED: _____
5 STACEY FULHORST, Petitioner
6 City of San Diego Ethics Commission

7
8 DATED: _____
9 GERDING EDLEN DEVELOPMENT, Respondent
10 By: Brent Gaulke, Vice President

11
12 **DECISION AND ORDER**

13 The Ethics Commission has considered the above Stipulation at its meeting on
14 _____, 2011. The Ethics Commission hereby approves the Stipulation and
15 orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$1,000.

16 DATED: _____
17 Larry Westfall, Chair
18 SAN DIEGO ETHICS COMMISSION