

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

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

10 In re the Matter of:) Case No.: No. 2004-18
11 CHARLES AMBERS, JR.,) **STIPULATION, DECISION AND**
12 Respondent.) **ORDER**
13)
14)

15 **THE PARTIES STIPULATE AS FOLLOWS:**

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

21 2. Respondent Charles Ambers Jr. [Respondent] is a member of the Old Town San
22 Diego Planned District Design Review Board. He assumed this office on April 9, 2002.

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

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

1 12. Following the investigation, Petitioner concluded that the Respondent failed to
2 timely file an annual SEI for the 2003 calendar year, failed to timely file an annual SEI for the
3 2002 calendar year, and failed to timely file an assuming office SEI.

4 **COUNT 1**

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

6 13. Respondent failed to file an SEI disclosing his economic interests for the 2003
7 calendar year on or before April 1, 2004, as required by SDMC section 27.3510.

8 **COUNT 2**

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

10 14. Respondent failed to file an SEI disclosing his economic interests for the 2002
11 calendar year on or before April 1, 2003, as required by SDMC section 27.3510. Respondent's
12 2002 annual SEI was filed on November 20, 2003, approximately seven months late.

13 **COUNT 3**

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

15 15. Respondent failed to timely file his assuming office SEI within thirty days of
16 assuming office, as required by SDMC section 27.3510. Respondent assumed office on April 9,
17 2002, but did not file his assuming office SEI until January 15, 2004, approximately nineteen
18 months late.

19 **STIPULATIONS AND ORDER**

20 **AGREEMENT**

21 16. Respondent agrees to file an SEI disclosing his economic interests for the 2003
22 calendar year on or before August 12, 2004.

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

25 **FACTORS IN AGGRAVATION**

26 18. The City Clerk sent Respondent a letter on February 12, 2004, reminding him to
27 file an annual SEI for the 2003 calendar year on or before April 1, 2004. The City Clerk sent
28 Respondent another letter on April 14, 2004, informing Respondent that his 2003 annual SEI had

1 not been received, and asking him to file it on or before May 14, 2004. On June 17, 2004, the
2 Ethics Commission sent Respondent a letter reiterating his filing responsibilities and asking him
3 to file the overdue SEI on or before July 22, 2004. In addition, the Ethics Commission staff left
4 telephone messages for Respondent on July 12, July 14, and July 16, 2004. Despite these efforts
5 by the City Clerk and the Ethics Commission, Respondent has continued to fail to file his 2003
6 annual SEI.

7 19. The City Clerk sent Respondent a letter on February 11, 2003, reminding him to
8 file an annual SEI for the 2002 calendar year, as well as an assuming office SEI, on or before
9 April 1, 2003. The City Clerk sent Respondent another letter on April 23, 2003, informing him
10 that his SEIs had not been received, and asking him to file them immediately. The Ethics
11 Commission wrote to Respondent on October 24, 2003, reiterating his filing responsibilities and
12 asking him to file the overdue SEIs on or before November 12, 2003. In addition, the
13 Commission staff contacted Respondent by telephone on numerous occasions. Despite these
14 efforts by the City Clerk and the Ethics Commission, Respondent did not file his 2002 annual
15 SEI until November 20, 2003, and did not file his assuming office SEI until January 15, 2004.

16 **CONCLUSION**

17 20. Respondent shall pay a fine in the amount of \$900 for violations of SDMC section
18 27.3510 (Counts 1, 2, and 3). This amount must be paid no later than September 17, 2004.

19 21. This Stipulation shall not become effective until Respondent has provided to the
20 Ethics Commission the amount set forth in paragraph 20, by check or money order made payable
21 to the City Treasurer.

22 DATED: _____

23 STACEY FULHORST, Executive Director
24 ETHICS COMMISSION, Petitioner

25 DATED: _____

26 CHARLES AMBERS JR., Respondent

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DECISION AND ORDER

The Ethics Commission has considered the above Stipulation at its meeting on August 12, 2004. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$900.

DATED: _____

DOROTHY LEONARD, Vice-Chair
SAN DIEGO ETHICS COMMISSION