

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.: 2015-03
11)
12 SELTZER CAPLAN MCMAHON VITEK,) **STIPULATION, DECISION, AND**
13) **ORDER**
14 Respondent.)
15)
16)
17)

18 **STIPULATION**

19 **THE PARTIES STIPULATE AS FOLLOWS:**

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

25 2. At all times mentioned herein, Seltzer Caplan McMahon Vitek [SCMV] was a
26 lobbying firm registered with the Office of the City Clerk. SCMV is referred to herein as
27 “Respondent.”

28 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 as well as the campaign contributions of \$100 or more made to City candidates by the firm's
2 owners, officers, and lobbyists. SDMC § 27.4017.

3 9. On January 15, 2014, Respondent registered as a lobbying firm for the 2014 calendar
4 year with the Office of the City Clerk.

5 10. On October 29, 2014, Respondent filed a disclosure report covering the period from
6 July 1 through September 30, 2014, and disclosed two contributions to City candidates totaling
7 \$400. Respondent's third quarter disclosure report did not include one additional contribution to
8 a City candidate in the amount of \$600 that was made during the reporting period. On April 27,
9 2015, in response to a request from Commission staff, Respondent filed an amended quarterly
10 report to disclose this contribution.

11 11. On January 28, 2015, Respondent filed a disclosure report covering the period from
12 October 1 through December 31, 2014, and provided the following information concerning the
13 municipal decision its lobbyists attempted to influence on behalf of Pardee Homes: "Land use
14 law advice in connection with environmental and real estate issues relating to various projects
15 within the City of San Diego." Respondent's fourth quarter disclosure report did not include
16 information concerning the specific municipal decisions it attempted to influence, such as the
17 name and/or location of the projects at issue. On April 27, 2015, in response to a request from
18 Commission staff, Respondent filed an amended quarterly report to disclose the following
19 additional information concerning the subject municipal decision: "Negotiation and preparation
20 of affordable housing agreement for Unites 23-28 in Pacific Highlands Ranch."

21 Counts

22 Count 1 - Violation of SDMC section 27.4016

23 12. Respondent failed to disclose all of the information required by SDMC section
24 27.4017 when it filed its 2014 third quarter disclosure report on October 29, 2014. In particular,
25 as described above in Paragraph 10, Respondent failed to disclose all of the campaign
26 contributions made by its owners, officers, and lobbyists to City candidates.

27 ///

28 ///

1 **Count 2 - Violations of SDMC section 27.4017**

2 13. Respondent failed to disclose all of the information required by SDMC section
3 27.4017 when it filed its 2014 fourth quarter disclosure report on January 28, 2015. In particular,
4 as described above in Paragraph 11, Respondent failed to disclose sufficient information
5 concerning the specific municipal decision it attempted to influence on behalf of a client.

6 **Factors in Aggravation**

7 14. Respondent was the subject of two previous Commission enforcement actions
8 involving the failure to disclose all of the campaign contributions made by its owners, officers,
9 and lobbyists, and paid a \$500 fine in each of these cases.

10 15. Respondent received two prior letters from Commission staff concerning the need to
11 disclose specific information regarding the municipal decisions it attempts to influence in order to
12 provide the public with detailed information concerning its lobbying activities and ensure
13 transparency with respect to the City's decision-making process.

14 **Factors in Mitigation**

15 16. Respondent fully cooperated with the Commission's investigation.

16 **Conclusion**

17 17. Respondents agree to take necessary and prudent precautions to ensure compliance
18 with all provisions of ECCO in the future.

19 18. Respondents acknowledge that the Ethics Commission may impose increased fines
20 in connection with any future violations of the City's campaign laws.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

