



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

April 3, 2013

Adolfo Paglinawan, M.D.
Medical Executive Committee of Palo Verde Hospital

REDACTED

Warning Letter Re: FPPC No. 12/966; Medical Executive Committee of Palo Verde Hospital; Adolfo Paglinawan, M.D., Respondents

Dear Dr. Paglinawan:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a pro-active inquiry initiated by the Enforcement Division concerning your committee's failure to file campaign statements and properly identify itself on a campaign mailing.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to timely file a campaign statement disclosing contributions received and expenditures made to support candidates for the Palo Verde Hospital Board. Those statements were not filed until you were contacted by the Commission's Enforcement Division.

The Act requires that persons who receive contributions of \$1,000 or more to file campaign statements at periodic intervals. Specifically, the Act provides that committees shall file semiannual statements on July 31 and January 31 of each year reporting activity for the prior six month period, as well as pre-election statements at specified times. (Gov. Code § 84200 and § 84200.5.)

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Additionally, the Act requires that when a committee sends a mass mailing (200 or more pieces), that the committee indicate on the mailing that it was "paid for by" the committee, with the committee's street address and city appearing on the outside of each piece and on at least one insert in no less than 6 point type. (Gov. Code § 84305; Regulation 18435(d).)

Finally, since you indicated in your campaign statement that the payments for the mailer were independent expenditures to the candidates named in the mailer, the mailer was also required to indicate that it was "not authorized by a candidate or a committee controlled by a candidate." (Gov. Code § 84506.5.)

Your actions violated the Act because you failed to include all required sender identification on your mass mailing, and you failed to file your campaign statement until contacted by the Commission's Enforcement Division. However, since you filed that statement immediately upon contact by the Enforcement Division and since your expenditures for the mailing were a minimal amount, we are closing our file on this matter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt