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

November 4, 2010

Pasqual Gutierrez, Board Member
Architectural Board
Redacted

Warning Letter Re FPPC Case No. 10/831; Pasqual Gutierrez

Dear Mr. Gutierrez:

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 proactive investigation begun against you by the FPPC that alleged you may have violated the Act's gift disclosure requirements.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to report on your 2009 Annual Statement of Economic Interests (Form 700) the gift of food valued at $63.52 given to you by the American Institute of Architects, California Council, on January 22, 2009.

The Act provides that a public official's failing to accurately disclose the required information on of the Form 700 is a violation of the Act. Specifically, the Act imposes reporting obligations on all agency employees designated in the agency's conflict-of-interest code by requiring that gifts be disclosed on the official's statement of economic interest. (GC §§ 82003 and 87302, subd. (b).) When an agency's conflict-of-interest code requires an employee of that agency (henceforth referred to as a "designated employee;" see GC § 82019) to report gifts from specified persons on the designated employee's Form 700, the designated employee must report gifts from that specified person whose gifts amount to $50 or more during the applicable reporting period. (GC §§ 87207, subd. (a)(1) and 87302, subd. (b).)

[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.

Your actions violated the Act because, although your agency's conflict-of-interest code required disclosure of gifts from the American Institute of Architects, California Council, you failed to report the gift described above. Because, however, you may not have received notification from American Institute of Architects, California Council, of the gift they made to you, we have decided to close this case.

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.

If you have questions regarding this matter, please contact Adrianne Korchmaros at (916) 322-8241.

Sincerely,

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Gary S. Winuk, Chief
Enforcement Division

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