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

November 12, 2014

Jose A. Penate
[redacted]

Warning Letter: Case No. 14/1226; Jose A. Penate.

Dear Mr. Penate:

The Fair Political Practices Commission (FPPC) enforces the provisions of the Political Reform Act (Act) contained in Government Code sections 81000 through 91014. This letter is in response to a non-filer enforcement referral from the Department of Motor Vehicles. The FPPC has completed its investigation and found that you, as a Manager I (Relief Manager), failed to properly file your Assuming Office and Leaving Office Statements of Economic Interests (SEI) by their respective due dates.

Section 87300 of the Act requires every state and local agency to develop a Conflict of Interest Code. This Code must require persons who participate in the making of decisions which may foreseeably have a material financial effect on any financial interest belonging to that person to disclose reportable interests. Each newly designated employee shall file a statement within 30 days after assuming office. Throughout the duration of holding that office, the employee shall file an annual statement at the time specified in the Code. Lastly, every employee who leaves office shall file within 30 days of leaving office.

Your actions violated the Act because you failed to file the abovementioned statements by the specified deadlines. However, since you are no longer in this position and do not have an enforcement history, we are closing your case with this warning letter. Although the Enforcement Division is closing this case without seeking a penalty, you are still required to file all outstanding statements. Please contact your filing officer, Ana McKee, at (916) 403-8329 for further information regarding your filings. Please note that any future non-filings will be brought to our attention and may result in monetary penalties. This warning letter may be considered should a future FPPC enforcement action become necessary.

A warning letter is an FPPC case resolution without administrative prosecution; however, this resolution does not provide you with the opportunity for a probable cause or administrative hearing. 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 days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of your case. If we do not receive such notification, this warning letter will be posted on the FPPC's website.

Should you have any questions regarding this letter, contact Robert Binning at (916) 323-2689.

Sincerely,

[redacted]

Gary S. Winuk
Chief, Enforcement Division

cc: Department of Motor Vehicles