

1 GALENA WEST  
Chief of Enforcement  
2 CHRISTOPHER BURTON  
Senior Commission Counsel  
3 Fair Political Practices Commission  
1102 Q Street, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 322-5660

5 Attorneys for Complainant  
6 Fair Political Practices Commission, Enforcement Division

7  
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
STATE OF CALIFORNIA  
9

10 In the Matter of:

11 CAMARILLO HEALTH CARE  
DISTRICT,

12 Respondent.

FPPC Case No. 16/19913

STIPULATION, DECISION AND ORDER

13  
14 **INTRODUCTION**

15 Respondent Camarillo Health Care District (the “District” or “Respondent”) is as an independent  
16 special district and public agency formed in 1969 to provide community-based healthcare services, under  
17 the statutes of the State of California Health and Safety Code, to the Greater Camarillo area, Somis, parts  
18 of the Las Posas and Santa Rosa Valleys, and throughout Ventura County. The District has a Board of  
19 Directors, with Directors serving as elected officers with four-year terms.

20 This case was initiated after the District self-reported violations of the Political Reform Act (the  
21 “Act”).<sup>1</sup> In particular, the District paid for four different issues of a quarterly magazine that featured  
22 several of its Directors, thereby violating the Act’s prohibition against sending mass mailings at public  
23 expense.

24 ///

25 ///

26  
27 <sup>1</sup> The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections  
28 81000 through 91014. All statutory references are to this code. 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 this source.

1 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. The violations in this case occurred  
3 in 2015 and 2016. For this reason, all legal references and discussions of law pertain to the Act’s  
4 provisions as they existed at that time—unless otherwise noted.

5 Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act

6 When enacting the Political Reform Act, the people of California found and declared that  
7 previous laws regulating political practices suffered from inadequate enforcement by state and local  
8 authorities.<sup>2</sup> Thus, it was decreed that the Act “should be liberally construed to accomplish its  
9 purposes.”<sup>3</sup> One purpose of the Act is to provide adequate enforcement mechanisms so that the Act will  
10 be “vigorously enforced.”<sup>4</sup>

11 Mass Mailing Sent At Public Expense

12 A “mass mailing” is defined in the Act as over two hundred substantially similar pieces of mail,  
13 but does not include a form letter or other mail which is sent in response to an unsolicited request, letter,  
14 or other inquiry.<sup>5</sup>

15 No mass mailing may be sent at public expense.<sup>6</sup> Specifically, a mailing is prohibited if all of the  
16 following criteria are met:<sup>7</sup>

17 (1) Any item sent is delivered, by any means, to the recipient at his or her residence, place of  
18 business, or post office box; and the item delivered to the recipient must be a tangible item, such as a  
19 written document.

20 (2) The item sent features an elected officer affiliated with the agency which produces or sends  
21 the mailing;<sup>8</sup> or includes the name, office, photograph, or other reference to an elected officer affiliated  
22

23  
24 <sup>2</sup> Section 81001, subd. (h).

25 <sup>3</sup> Section 81003.

26 <sup>4</sup> Section 81002, subd. (f).

27 <sup>5</sup> Section 82041.5.

28 <sup>6</sup> Section 89001.

<sup>7</sup> Regulation 18901, subd. (a).

<sup>8</sup> An item features an elected officer when it includes, among other things, the elected officer’s photograph or singles out the elected officer by the manner of display of his or her name or office in the layout of the document, such as by captions. (Regulation 18901, subd. (c)(2).)

1 with the agency which produces or sends the mailing, and is prepared or sent in cooperation,  
2 consultation, coordination, or concert with the elected officer.

3 (3) Any of the costs of distribution is paid for with public moneys; or costs of design, production,  
4 and printing exceeding \$50 are paid with public moneys and is done with the intent of sending the item  
5 other than as permitted by Regulation 18901.

6 (4) More than 200 substantially similar items are sent in a calendar month.

### 7 **SUMMARY OF THE FACTS**

8 The District produces a quarterly magazine called “Healthy Attitudes,” which is mailed out,  
9 unsolicited, to addresses located within the District’s boundaries. The production of each issue of the  
10 magazine costs well over \$50. According to the District, the magazine is funded by the District and  
11 designed solely by its chief operating officer and related support staff, and the Board of Directors is not  
12 consulted in conjunction with the magazine.

13 In four issues of the magazine, Directors were featured as follows:

- 14 • In the Spring 2015 issue, Board President Rodger Brown (“Brown”) and Board Vice  
15 President Christopher Loh (“Loh”) were featured and named in a picture, in conjunction with their  
16 appearance at a local event. A total of 35,800 copies of the issue were mailed.
- 17 • In the Winter 2015 issue, Brown was featured in a photo that appeared on the cover and,  
18 again, later in the issue. A total of 36,000 copies of the issue were mailed.
- 19 • In the Spring 2016 issue, Brown was recognized for receiving a “Director of the Year”  
20 award from the Ventura County Special District Association in an “In the News” article. The article also  
21 stated that Brown was an elected Director and, 15 years prior to his election, served on the District’s  
22 Finance and Investment Committee and Community Advisory Panel. Also in the “In the News” article,  
23 Director Scott Packham (“Packham”) was recognized for receiving the “Oral Health Specialist of the  
24 Year” recognition from the Ventura County Medical Resource Foundation. The article also stated that  
25 Packham served on the Board of Directors. A total of 35,555 copies of the issue were mailed.
- 26 • In the Summer 2016 issue, Brown was featured in a photo with a caption recognizing his  
27 “Director of the Year” award. Further, Packham was featured in a photo with a caption recognizing him  
28 as “Oral Health Specialist of the Year,” and the entire Board of Directors, consisting of Brown, Loh,

1 Packham, Mark Hiepler (“Hiepler”), and Richard Loft, were pictured. A total of 36,000 copies of the  
2 issue were mailed.

3 Of the five different Directors featured in the magazine, three were up for re-election in the  
4 November 2016 General Election (Loh, Hiepler, and Packham). However, the three Directors did not  
5 actually appear on the ballot, since they had no opponents.

## 6 VIOLATIONS

### 7 Count 1: Mass Mailings Sent at Public Expense

8 The District designed, produced, printed, and mailed approximately 143,355 copies of four  
9 different issues of a quarterly magazine that featured photographs and names of several elected officers  
10 affiliated with the District, at public expense, in violation of Section 89001.

## 11 PROPOSED PENALTY

12 This matter consists of one count. The maximum penalty that may be imposed is \$5,000 per  
13 count. Thus, the maximum penalty that may be imposed is \$5,000.<sup>9</sup>

14 In determining the appropriate penalty for a particular violation of the Act, the Commission  
15 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the  
16 Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of  
17 any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or  
18 inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective  
19 amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior  
20 record of violations.<sup>10</sup>

21 Although this violation is serious in nature, Respondent does not have a prior enforcement history  
22 and self-reported the violations, indicating that there was no intention to conceal, deceive, or mislead the  
23 public. Further, it appears that the violations were the product of negligence. According to the District,  
24 they had recently replaced their legal counsel and CEO, and the new CEO, and other staff, lacked  
25 knowledge regarding the full scope of Section 89001 of the Act.

26  
27  
28 <sup>9</sup> See Section 83116, subd. (c).

<sup>10</sup> Regulation 18361.5, subd. (d).



1 represented by an attorney at Respondent's own expense, to confront and cross-examine all witnesses  
2 testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial  
3 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially  
4 reviewed.

5 5. Respondent agrees to the issuance of the decision and order set forth below. Also,  
6 Respondent agrees to the Commission imposing against it an administrative penalty in the amount of  
7 \$2,000. One or more payments totaling this amount, to be paid to the General Fund of the State of  
8 California, is/are submitted with this stipulation as full payment of the administrative penalty described  
9 above, and they will be held by the State of California until the Commission issues its decision and order  
10 regarding this matter.

11 6. If the Commission refuses to approve this stipulation then this stipulation shall become  
12 null and void, and within fifteen business days after the Commission meeting at which the stipulation is  
13 rejected, all payments tendered by Respondent in connection with this stipulation shall be reimbursed to  
14 Respondent. If this stipulation is not approved by the Commission, and if a full evidentiary hearing  
15 before the Commission becomes necessary, neither any member of the Commission, nor the Executive  
16 Director, shall be disqualified because of prior consideration of this Stipulation.

17 7. The parties to this agreement may execute their respective signature pages separately. A  
18 copy of any party's executed signature page, including a hardcopy of a signature page transmitted via fax  
19 or as a PDF email attachment, is as effective and binding as the original.  
20

21 Dated: \_\_\_\_\_

\_\_\_\_\_  
Galena West, Chief of Enforcement  
Fair Political Practices Commission

22  
23  
24 Dated: \_\_\_\_\_

\_\_\_\_\_  
Kara Ralston, CEO, on behalf of Camarillo Health Care  
District

1 The foregoing stipulation of the parties “In the Matter of Camarillo Health Care District,” FPPC Case  
2 No. 16/19913 is hereby accepted as the final decision and order of the Fair Political Practices  
3 Commission, effective upon execution below by the Chair.

4  
5 IT IS SO ORDERED.

6  
7 Dated: \_\_\_\_\_

\_\_\_\_\_ Alice T. Germond, Chair  
Fair Political Practices Commission