



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

April 26, 2023

Gary Winuk

o/b/o Consumer Watchdog Campaign for the Fairness for Injured Patients Act

Via email: gwinuk@kaufmanlegalgroup.com

Warning Letter Re: FPPC No. 2021-01129: Consumer Watchdog Campaign for the Fairness for Injured Patients Act

Dear Gary Winuk:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a Commission-initiated complaint regarding Consumer Watchdog Campaign for the Fairness for Injured Patients Act’s (the “Committee”) failure to timely include the proper disclosures on a video advertisement in support of the Fairness for Injured Patients Act.

The Act requires any advertisement that is paid for by a committee shall include the words “Ad paid for by” followed by the name of the committee.² Furthermore, the advertisement shall include the words “committee major funding from” followed by the names of the top contributors to the committee paying for the advertisement.³

The Enforcement Division found that you failed to timely include the proper disclosures on a video advertisement featuring Jennifer Ha. However, mitigating circumstances apply here: the video advertisement was corrected with the proper disclosures prior to any relevant election, the Committee has terminated, you have no prior Enforcement history, and the ballot measure the video advertisement supported never appeared on the ballot. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division’s annual carryover caseload,

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and 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, and all regulatory references are to this source.

² Section 84502.

³ Section 84503.

the Enforcement Division is closing this case with this warning letter.⁴ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁵ This resolution may not be used as a comparable case for other enforcement matters.⁶

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 Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. 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 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 Enforcement Division 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 Commission's website ten (10) days from the date of this letter.

Please feel free to contact Alex Rose at arose@fppc.ca.gov or 916- 327-6358 with any questions you may have regarding this letter.

Sincerely,



Alex J. Rose, Commission Counsel
Enforcement Division

⁴ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁵ Regulation 18360.1.

⁶ See Regulation 18361.5, subd. (e)(3).