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## FEDERAL ELECTION COMMISSION

1825 K STREET N.W. WASHINGTON,D.C. 20463

THIS IS THE END OF MUR # 373

Date Filmed 2/28/79 Camera No. --- 2

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#### FEDERAL ELECTION COMMISSION

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The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

(1) Classified Information (6) Personal privacy

(2) Internal rules and practices (7) Investigatory files

(3) Exempted by other statute (8) Banking Information

(4) Trade secrets and commercial or financial information (geographic or geophysical)

Signed

date

FEC 9-21-77

(5) Internal Documents

LAW OFFICES

BRUCE A MOCHMAN
AVRAM BALKIN
GEORGE DEROY
ARTHUM: P. GENERAUX, JR.
MARVEY D. TACK
MICHAEL W. FRYE
NORMAN M. MELL
STEPHEN V. WILSON
RICHARD M. GANNON
BARRY L. GUYERMAN
MARK E. BOWERS
JAMES V. LOOBY
CRAIG I, DEROY

HOCHMAN, SALKIN AND DEROY COUNTY

##A CODE 213 #73-1181 #72-0861

SEVENTH FLOOR WEST TOWERS UAN 23 HM

January 20, 1979

Ms. Biz Van Gelder Federal Election Commission 1325 K Street, NW Washington, DC 20463

Re: Merv Newell--MUR 373(77)

Dear Ms. Van Gelder:

90046

Enclosed is Mr. Newell's check in the amount of \$5,000 constituting payment pursuant to the Conciliation Agreement between your Commission and Mr. Newell. If you have any questions, please feel free to call.

Sincerely,

Richard H. Gannon

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RHG:ma Enclosure

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LAW OFFICES

#### HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

9100 WILSHIRE BOULEVARD

SEVENTH FLOOR- WEST TOWER

BEVERLY HILLS, CALIFORNIA 90212

Ms. Biz Van Gelder Federal Election Commission 1325 K Street, NW Washington, DC 20463

#### LAW OFFICES

BRUCE I: HOCHMAN AVRAM SALKIN GEORGE DEROY ARTHUR P. GENERAUX, JR. HARVEY D. TACK MICHAEL W. FRYE NORMAN H. M. NEIL STEPHEN V. WILSON RICHARD H. GANNON SARRY L. GUTERMAN MARK E. BOWERS JAMES V. LOOBY CRAIG I. DEROY

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## HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

9100 WILSHIRE BOULEVARD SEVENTH FLOOR-WEST TOWER BEVERLY HILLS, CALIFORNIA 90212

January 17, 1979

272-0661

'79 JAN 22 PM 2: 45

Ms. Biz Van Gelder Federal Election Commission 1325 K Street, NW Washington, DC 20463

> \$5,000 Payment--Edward R. Dickstein Re:

Dear Ms. Van Gelder:

Enclosed is Dr. Dickstein's check in the amount of \$5,000 made payable to the United States Treasury. As you can see, he has placed the notation "MUR 373(77)" in the lower left hand corner of the check to indicate that the check constitutes payment pursuant to the Conciliation Agreement between your Commission and Dr. Dickstein dated December 20, 1978.

Mr. Newell's check should follow in tomorrow's mail.

Sincerely,

chard H. Gannon

RHG:ma Enclosure

EDWARD DICKSTEIN

DIANA DICKSTEIN

223 SO. BUNDY DR.

LOS ANGELES, CA 90049

THE ORDER OF JUNEAU STORY

SECURITY PACIFIC NATIONAL BANK

San Vicente-Bundy Office

11380 San Vicente Blvd., Los Angeles, CA 90049

FOR MUR 3713 (7)

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LAW OFFICES

## HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

SEVENTH FLOOR WEST TOWER
BEVERLY HILLS, CALIFORNIA 90212



Ms. Biz Van Gelder Federal Election Commission 1325 K Street, NW Washington, DC 20463



#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

December 21, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Gannon
Hockman, Salkin and Deroy
9100 Wilshive Boulevard
Seventh Floor, West Tower
Beverly Hills, California 90212

Re: MUR 373(77)

Dear Mr. Gannon:

Attached are your copies of the final Conciliation Agreements signed by all parties. When the Commission receives your clients check for \$10,000 (made payable to the United States Treasury), the matter will be officially closed.

Thank you for your cooperation in this matter.

Sincerely yours

William C. Oldaker General Counsel

SENDER Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
Show to whom, and date delivered.

2. Show to whom, date, and address of delivery.
Show to whom add the address of delivery.
Show to whom and date delivered.

2. ARTICLE ADDRESSED TO.
ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
REGISTERED NO. CERTIFIED NO. INSURED NO.
SIGNATURE Addressee Authorized agent
ADDRESS. Complete only it requested.

3. ADDRESS. Complete only it requested.

#### BEFORE THE FEDERAL ELECTION COMMISSION

July 6, 1978

In the Matter of )
Edward R. Dickstein ) MUR 373 (77)

#### CONCILIATION AGREEMENT

This matter having been initiated on the basis of a complaint filed by the California Department of Corporations, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Dickstein violated 2 U.S.C. §441b and §441f;

Now, therefore, the respective parties herein, the Federal Election Commission (hereinafter "the Commission") and respondent Dickstein, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

- I. That the Commission has jurisdiction over respondent Dickstein and the subject matter of this proceeding.
- II. That respondent Dickstein has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
  - III. That the pertinent facts in this matter are as follows:
- A. Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership.
- B. Imperial West Medical Group (hereinafter "IWMG") was a California general partnership which engaged in a group medical practice from before September 9, 1974 until December 31, 1976.

C. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary support. The following individuals were among the partners of IWMG:

Edward R. Dickstein, M.D. Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. Kenneth H. Geiger, M.D. Robert M. Higgenbottom, M.D. Myron Koch, M.D. Alvin Markovitz, M.D.

- D. Merv Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns, directly or indirectly, about 3 per centum of the outstanding common stock of Omni-Rx. In his capacity as an officer of Omni-Rx, Newell was responsible for the financial management of IWMG.
- E. Edward R. Dickstein is the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG.
- F. Between September 9, 1974 and December 31, 1976, IWMG issued checks in a total amount exceeding \$100,000 to political candidates and committees, approximately \$26,500 of which went to identifiable federal candidates or party related committees. Most of these payments were made through the instrumentably of IWMG, but were made possible by specific transfers of cash from Omni-Rx IWMG Trust Account through the IWMG Account to political candidates and Committees. Some of the funds utilized to make these contributions were borrowed from Omni-Rx by IWMG, and recorded as loans on the books of both Omni-Rx and IWMG. Many of these contributions were charged to Dr. Dickstein, Mr. Newell, other persons named in paragraph 3-C, and other physicians employed by IWMG.

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G. All of the contribution checks were signed by either Dr. Dickstein or Mr. Newell. Some of the individuals to whom the contributions were charged deny any knowledge of the fact that political contributions were made in their names. In particular, some of said individuals have stated, under penalty of perjury, that they had no advance knowledge that political contributions were being made in their names.

WHEREFORE, respondent Dickstein agrees:

- IV. The use of partnership funds for the contributions made in the name of partners and employees of IWMG constitute the making of contributions in the name of others within the meaning of 2 U.S.C. §441f, and it predecessor 18 U.S.C. §614.
- V. The use of Omni-Rx funds for contributions to Federal political candidates and committees constitutes prohibited corporate contributions within the meaning of 2 U.S.C. §44lb and its predecessor 18 U.S.C. §610. As such, the use of corporate funds for political contributions is in violation of 2 U.S.C. §44lb and its predecessor 18 U.S.C. §610.
- VI. Respondent Dickstein agrees that he will pay a civil penalty in the amount of \$5,000 pursuant to 2 U.S.C. §437(a)(6)(B).
- VII. Respondent Dickstein agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431 et seq.

#### GENERAL CONDITIONS:

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C \$437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this

agreement or any requirement thereof has been violated, it may institute a civil action for relief in the District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(1).

It is mutually agreed that this agreement shall become effective as of the date that all parties hereto executed same and the Commission has approved the entire agreement.

X. It is agreed that respondent Dickstein shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement.

It is mutually agreed that this conciliation agreement has been entered for the sole purpose of obtaining voluntary compliance with the Federal Election laws, and may not be used against Dr. Dickstein, or be considered by court or administrative agency, except in an action brought by the Commission upon violation of this agreement.

XII. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought pursuant to Section VII.

DATED: 12/21/78

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William C. Oldaker

General Counsel

Federal Election Commission

1325 K Street, N.W.

Washington, D.C. 20463

(202) 52304143

Edward R. Dickstein

Respondent

4670 West Imperial Highway Inglewood, California 90304

(213) 678-2596

# BEFORE THE FEDERAL ELECTION COMMISSION July 6, 1978

In the Matter of	)	
	)	MUR 373 (77)
Merv Newell	)	

#### CONCILIATION AGREEMENT

This matter having been initiated on the basis of a complaint filed by the California Department of Corporations, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Newell violated 2 U.S.C. §441b and §441f;

Now therefore, the respective parties herein, the Federal Election Commission (hereinafter "the Commission") and respondent Newell having duly entered into conciliation pursuant to 2 U.S.C. \$437g(a)(5), do hereby agree as follows:

- I. That the Commission has jurisdiction over respondent Newell and the subject matter of this proceeding.
- II. That respondent Newell has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
  - III. That the pertinent facts in this matter are as follows:
- A. Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership.
  - B. Imperial West Medical Group (hereinafter "IWMG")

was a California general partnership which engaged in a group medical practice from before September 9, 1974 until December 31, 1976.

C. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary support.

The following individuals were among the partners of IWMG:

Edward R. Dickstein, M.D. Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. Kenneth H. Geiger, M.D. Robert M. Higgenbottom, M.D. Myron Koch, M.D. Alvin Markovitz, M.D.

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- D. Merv Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns, directly or indirectly, about 3 per centum of the outstanding common stock of Omni-Rx. In his capacity as an officer of Omni-Rx, Newell was responsible for the financial management of IWMG.
- E. Edward R. Dickstein is the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG.

F. Between September 9, 1974 and December 31, 1976,

IWMG issued checks in a total amount exceeding \$100,000 to

political candidates and committees, approximately \$26,500 of

which went to identifiable federal candidates or party related

committees. Most of these payments were made through the

instrumentably of IWMG, but were made possible by specific transfers

of cash from Omni-Rx IWMG Trust account through the IWMG Account to

political candidates and Committees. Some of the funds utilized to make

these contributions were borrowed from Omni-Rx by IWMG, and recorded

as loans on the books of both Omni-Rx and IWMG. Many of these contributions were charged to Dr. Dickstein, Mr. Newell, other persons

named in paragraph 3-C, and other physicians employed by IWMG.

G. All of the contribution checks were signed by either Dr. Dickstein or Mr. Newell. Some of the individuals to whom the contributions were charged deny any knowledge of the fact that political contributions were made in their names. In particular, some of said individuals have stated, under penalty of perjury, that they had no advance knowledge that political contributions were being made in their names.

WHEREFORE, respondent Newell agrees:

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IV. The use of partnership funds for the contributions made in the name of partners and employees of IWMG constitute the making of contributions in the name of others within the meaning of 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614.

V. The use of Omni-Rx funds for contributions to Federal political candidates and committees constitutes prohibited corporate contributions within the meaning of 2 U.S.C. §441b and its predecessor 18 U.S.C. \$610. As such, the use of corporate funds for political contributions is in violation of 2 U.S.C. \$441b and its predecessor 18 U.S.C. \$610. VI. Respondent Newell agrees that he will pay a civil penalty in the amount of \$5,000 pursuant to 2 U.S.C. \$437(a)(6)(B). VII. Respondent Newell agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. \$431, et seq. GENERAL CONDITIONS: C. ... VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. \$437g(a)(1) concerning the matters at issue herein, 0 or on its own motion, may review compliance with this agreement. 1 If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(1). IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto executed same and the Commission has approved the entire agreement. X. It is agreed that respondent Newell shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement. -4XI. It is mutually agreed that this conciliation agreement has been entered for the sole purpose of obtaining voluntary
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DATED: 12/21/78

William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463
(202) 523/1143

DATED: 11-30-78

Merr Newell
Respondent

(213) 678–2596

4670 West Imperial Highway Inglewood, California 90304

#### BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )	
)	MUR 373 (7
Merv Newell )	
Edward Dickstein )	

#### CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 20, 1978, the Commission approved by a vote of 6-9 the recommendation in the General Counsel's Report dated December 16, 1978 to ratify the conciliation agreements attached the report.

Attest:

12-20-78

Date

**C** 

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formarjorie W. Emmons

Secretary to the Commission

Oppositer 18, 1978

MENORANDUM TO: Marge Emilia

Pacel: Lilege 7. dete

SUBJECT: MUR 373

Please have the attached Coneral Councel's Deport on NUR 373 distributed to the Councelous on a 48 hour tally basis.

Thank you.

## BEFORE THE FEDERAL ELECTION COMMISSION STORETARY

78 DEC 18 PII: 14

In the Matter of )

Merv Newell ) MUR 373(77)
Edward Dickstein )

#### GENERAL COUNSEL'S REPORT

Attached are copies of signed Conciliation

Agreements with respondents. On October 25, 1978,

The Commission approved respondents counter-proposal of a combined civil penalty of \$10,000.

#### RECOMMENDATION:

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Ratify the attached agreements

7/6/78 Date

William C. Oldaker General Counsel

Attachments

#### BEFORE THE FEDERAL ELECTION COMMISSION

July 6, 1978

In the Matter of )
Edward R. Dickstein ) MUR 373 (77)

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(213) 678-2596

DATED:	
	William C. Oldaker
	General Counsel
	Federal Election Commission
	1325 K Street, N.W.
	Washington, D.C. 20463
1 1 .	(202) 52304143
DATED: []]////	geward & Slinten
7 7	Edward R. Dickstein
t,	Respondent
	4670 West Imperial Highway
	Inglewood, California 90304

# BEFORE THE FEDERAL ELECTION COMMISSION July 6, 1978

In the Matter of	)	MUR 373 (77)
Merv Newell	)	

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V. The use of Omni-Rx funds for contributions to Federal political candidates and committees constitutes prohibited corporate contributions within the meaning of 2 U.S.C. §441b and its predecessor 18 U.S.C. §610. As such, the use of corporate funds for political contributions is in violation of 2 U.S.C. §441b and its predecessor 18 U.S.C. §610.

VI. Respondent Newell agrees that he will pay a civil penalty in the amount of \$5,000 pursuant to 2 U.S.C. \$437(a)(6)(B).

VII. Respondent Newell agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS:

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(1).

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agency, except in an action brought by the Commission upon violation
of this agreement.

XII. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought pursuant to Section VII.

DATED:	•
	William C. Oldaker
	General Counsel / /
	Federal Election Commission
	1325 K Street, N. W.
	Washington, D. C. 20463
	(202) <b>5/23/4/1</b> 43
	///////////////////////////////////////
DATED: 11-30-78	///////////////////////////////////////
	Merry Newell
	Respondent
	4670 West Imperial Highway
	Inglestend Collifornia 00201

(213) 678-2596

TO TO TO TELL OF THE

5796

RECEIVED

HOCHMAN, SALKIN AND DEROY

273-1181 272-0561

BRUCE I. HOCHMAN
AVRAM SALKIN
GEORGE DEROY
ARTHUR P. GENERAUX, JR.
HARVEY D. TACK
MICHAEL W. FRYE
NORMAN H. McNEIL
STEPHEN V. WILSON
RICHARD H. GANNON
BARRY L. GUTERMAN
MARK E. BOWERS
JAMES V. LOOBY

SEVENTH FLOOR WAST TOWER 2 1 : 02
BEVERLY HILLS, CALIFORNIA 90212

December 1, 1978

Ms. Biz Van Gelder Federal Election Commission 1325 K Street, NW Washington, DC 20463

808240

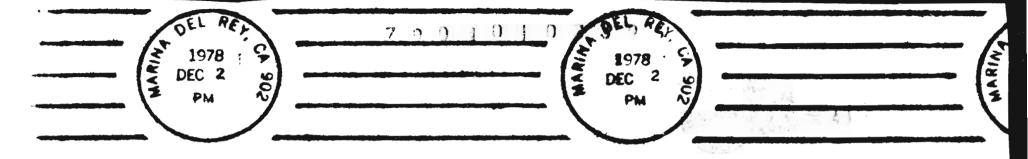
Dear Ms. Van Gelder:

Enclosed are the original and one copy of the Conciliation Agreements furnished by you for the signature of our clients Edward R. Dickstein and Merv Newell. The originals have been executed by the clients. As you can see, Dickstein's document omitted the word "any" in paragraph XI. Pursuant to our instructions, he has inserted the word and initialed his correction.

As you must imagine, our clients expressed a great deal of reluctance before they signed. This reluctance was created by the Federal Election Commission policy prohibiting disclaimers in conciliation agreements and stems from our clients' belief that they did not violate the Federal election laws. Their signatures to the agreements prepared by your office should not be regarded as an admission to the contrary. Instead, Dickstein and Newell were motivated by reasons of economy reinforced by our shared belief that the documents are inadmissible in any action brought by a third party. It is a shame they were required to sign a document they did not believe to be true as a condition of settlement.

In closing, I wish to compliment you on the professional manner demonstrated during the handling of this case. It would have been both a pleasure and a

Ms. Biz Van Gelder December 1, 1978 Page Two challenge to litigate the serious Constitutional issues raised by your allegations, and I am sure you would have acquitted yourself honorably. RHG:ma Enclosures ( ٠.



FROM . .

Law Offices

HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

9100 Wilshire Blvd., 7th Floor, West Tower . Beverly Hills, CA 90212

TO .

Ms. Biz Van Gelder Federal Election Commission 1325 K Street, NW Washington, DC 20463 78 DEC 5 AM 1



### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20463

MEMORANDUM TO

FROM:

MARJORIE W. EMMONS TO E

DATE:

C

P ...

NOVEMBER 27, 1978

SUBJECT:

MUR 373 - Interim Conciliation Report

dated 11-22-78; Signed 11-23-78; Received in Office of Commission

Secretary: 11-24-78, 10:52

The above-named document was circulated on a 24

hour no-objection basis at 3:00, November 24, 1978.

The Commission Secretary's Office has received no objections to the Interim Conciliation Report as of 3:00 this date.

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MEMBRANDUM TO: Marge Eumons

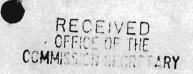
PROME PLISE T. Carr

SUBJECT: NOR 373

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Please have the attached Interist Conciliation
Report on NUR 373 distributed so the Considerion.
Thank you.



# BEFORE THE FEDERAL ELECTION COMMASSION 24 AIO: 52 November 22, 1978

In the Matter of	)	
	)	MUR 373
Merv Newell	)	
Edward Dickstein	)	

#### Interim Conciliation Report

On November 20, 1978, Counsel for Respondents stated that he had received the Commission's conciliation agreements and forwarded them to respondents for comment.

11/23/18

Date

<u>.</u>

William C. Oldaker General Counsel



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

November 2, 1978

Mr. Richard Gannon
Hochman, Salkin and Deroy, P.C.
9100 Wilshire Boulevard
7th Floor-West Tower
Beverly Hills, California 90212

RE: MUR 373 (77)

Dear Mr. Gannon:

On October 25, 1978, the Commission approved your counter-proposal (made on behalf of your clients) of a combined civil penalty of \$10,000. Enclosed please find the modified conciliation agreements which reflect your discussion with Biz Van Gelder on July 6, 1978, and your letter of August 11, 1978.

When the enclosed conciliation agreements are signed, please return the agreements to the Commission for final ratification.

Thank you for your cooperation in resolving this matter.

Sincerely,

WILLIAM C. OLDAKER
GENERAL COUNSEL

WCO:1f

Enclosures

SENDER Complete items 1 2, and 3
Add your address in the "RETURN TO" space on reverse

| The following service is requested (check one) |
| Show to whom and date delivered |
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| Show to whom date and address of delivery |
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| ARTICLE DESCRIPTION: |
| ARTICLE DE



C

## FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

November 2, 1978

Mr. Richard Gannon Hochman, Salkin and Deroy, P.C. 9100 Wilshire Boulevard 7th Floor-West Tower Beverly Hills, California 90212

RE: MUR 373 (77)

Dear Mr. Gannon:

(n October 25, 1978, the Commission approved your counter-proposal (made on behalf of your clients) of a combined civil penalty of \$10,000. Enclosed please find the modified conciliation agreements which reflect your discussion with Biz Van Gelder on July 6, 1978, and your letter of August 11, 1978.

When the enclosed conciliation agreements are signed, please return the agreements to the Commission for final ratification.

Thank you for your cooperation in resolving this matter.

Sincerely,

WILLIAM C. OLDAKER GENERAL COUNSEL

WCO:1f

Enclosures

gir

July 6, 1978

In the Matter of )
Edward R. Dickstein ) MUR 373 (77)

## CONCILIATION AGREEMENT

This matter having been initiated on the basis of a complaint filed by the California Department of Corporations, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Dickstein violated 2 U.S.C. §441b and §441f;

Now, therefore, the respective parties herein, the Federal Election Commission (hereinafter "the Commission") and respondent Dickstein, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

- I. That the Commission has jurisdiction over respondent Dickstein and the subject matter of this proceeding.
- II. That respondent Dickstein has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
  - III. That the pertinent facts in this matter are as follows:
- A. Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership.
- B. Imperial West Medical Group (hereinafter "IWMG") was a California general partnership which engaged in a group medical practice from before September 9, 1974 until December 31, 1976.

2 C. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary support. The following individuals were among the partners of IWMG: Edward R. Dickstein, M.D. Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. Kenneth H. Geiger, M.D. Robert M. Higgenbottom, M.D. Myron Koch, M.D. Alvin Markovitz, M.D. D. Mery Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns, directly or indirectly, about 3 per centum of the outstanding common stock of Omni-Rx. In his capacity as an officer of Omni-Rx, Newell was responsible for the financial management of IWMG. E. Edward R. Dickstein is the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or in-C directly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG. F. Between September 9, 1974 and December 31, 1976, IWMG issued checks in a total amount exceeding \$100,000 to political candidates and committees, approximately \$26,500 of which went to identifiable federal candidates or party related committees. Most of these payments were made through the instrumentably of IWMG, but were made possible by specific transfers of cash from Omni-Rx IWMG Trust Account through the IWMG Account to political candidates and Committees. Some of the funds utilized to make these contributions were borrowed from Omni-Rx by IWMG, and recorded as loans on the books of both Omni-Rx and IWMG. Many of these contributions were charged to Dr. Dickstein, Mr. Newell, other persons named in paragraph 3-C, and other physicians employed by IWMG.

G. All of the contribution checks were signed by either Dr. Dickstein or Mr. Newell. Some of the individuals to whom the contributions were charged deny any knowledge of the fact that political contributions were made in their names. In particular, some of said individuals have stated, under penalty of perjury, that they had no advance knowledge that political contributions were being made in their names.

WHEREFORE, respondent Dickstein agrees:

- IV. The use of partnership funds for the contributions made in the name of partners and employees of IWMG constitute the making of contributions in the name of others within the meaning of 2 U.S.C. §441f, and it predecessor 18 U.S.C. §614.
- V. The use of Omni-Rx funds for contributions to Federal political candidates and committees constitutes prohibited corporate contributions within the meaning of 2 U.S.C. §44lb and its predecessor 18 U.S.C. §610. As such, the use of corporate funds for political contributions is in violation of 2 U.S.C. §44lb and its predecessor 18 U.S.C. §610.
- VI. Respondent Dickstein agrees that he will pay a civil penalty in the amount of \$5,000 pursuant to 2 U.S.C. §437(a)(6)(B).
- VII. Respondent Dickstein agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431 et seq.

#### GENERAL CONDITIONS:

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VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C §437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this

agreement or any requirement thereof has been violated, it may institute a civil action for relief in the District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(1).

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto executed same and the Commission has approved the entire agreement.

X. It is agreed that respondent Dickstein shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement.

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XI. It is mutually agreed that this conciliation agreement has been entered for the sole purpose of obtaining voluntary compliance with the Federal Election laws, and may not be used against Dr. Dickstein, or be considered by court or administrative agency, except in an action brought by the Commission upon violation of this agreement.

XII. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought pursuant to Section VII.

DATED:	
	William C. Oldaker
	General Counsel
	Federal Election Commission
	1325 K Street, N.W.
	Washington, D.C. 20463
	(202) 52304143
DATED:	
	Edward R. Dickstein
	Respondent
	4670 West Imperial Highway
	Inglewood, California 90304
	(213) 678-2596

In the Matter of )
MUR 373 (77)
Merv Newell )

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## CONCILIATION AGREEMENT

This matter having been initiated on the basis of a complaint filed by the California Department of Corporations, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Newell violated 2 U.S.C. §441b and §441f;

Now therefore, the respective parties herein, the Federal Election Commission (hereinafter "the Commission") and respondent Newell having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

- I. That the Commission has jurisdiction over respondent Newell and the subject matter of this proceeding.
- II. That respondent Newell has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
  - III. That the pertinent facts in this matter are as follows:
- A. Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership.
  - B. Imperial West Medical Group (hereinafter "IWMG")

was a California general partnership which engaged in a group medical practice from before September 9, 1974 until December 31, 1976.

C. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary support.

The following individuals were among the partners of IWMG:

Edward R. Dickstein, M.D. Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. Kenneth H. Geiger, M.D. Robert M. Higgenbottom, M.D. Myron Koch, M.D. Alvin Markovitz, M.D.

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- D. Merv Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns, directly or indirectly, about 3 per centum of the outstanding common stock of Omni-Rx. In his capacity as an officer of Omni-Rx, Newell was responsible for the financial management of TWMG.
- E. Edward R. Dickstein is the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG.

F. Between September 9, 1974 and December 31, 1976,

IWMG issued checks in a total amount exceeding \$100,000 to

political candidates and committees, approximately \$26,500 of

which went to identifiable federal candidates or party related

committees. Most of these payments were made through the

instrumentably of IWMG, but were made possible by specific transfers

of cash from Omni-Rx IWMG Trust account through the IWMG Account to

political candidates and Committees. Some of the funds utilized to make

these contributions were borrowed from Omni-Rx by IWMG, and recorded

as loans on the books of both Omni-Rx and IWMG. Many of these con
tributions were charged to Dr. Dickstein, Mr. Newell, other persons

named in paragraph 3-C, and other physicians employed by IWMG.

G. All of the contribution checks were signed by either Dr. Dickstein or Mr. Newell. Some of the individuals to whom the contributions were charged deny any knowledge of the fact that political contributions were made in their names. In particular, some of said individuals have stated, under penalty of perjury, that they had no advance knowledge that political contributions were being made in their names.

WHEREFORE, respondent Newell agrees:

C

IV. The use of partnership funds for the contributions made in the name of partners and employees of IWMC constitute the making of contributions in the name of others within the meaning of 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614.

The use of Omni-Rx funds for contributions to Federal political candidates and committees constitutes prohibited corporate contributions within the meaning of 2 U.S.C. \$441b and its predecessor 18 U.S.C. \$610. As such, the use of corporate funds for political contributions is in violation of 2 U.S.C. \$441b and its predecessor 18 U.S.C. \$610. VI. Respondent Newell agrees that he will pay a civil penalty in the amount of \$5,000 pursuant to 2 U.S.C. \(\frac{2}{3}437(a)(6)(B)\). VII. Respondent Newell agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq. GENERAL CONDITIONS: VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. \$437g(a)(1) concerning the matters at issue herein. C or on its own motion, may review compliance with this agreement. 1 If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the District Court for the District of Columbia pursuant to 2 U.S.C. \$437g(a)(1). IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto executed same and the Commission has approved the entire agreement. X. It is agreed that respondent Newell shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement. -4XI. It is mutually agreed that this conciliation agreement has been entered for the sole purpose of obtaining voluntary compliance with the Federal Election laws, and may not be used against Mr. Newell or be considered by court or administrative agency, except in an action brought by the Commission upon violation of this agreement.

XII. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought pursuant to Section VII.

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DATED:	
	William C. Oldaker General Counsel Federal Election Commission 1325 K Street, N. W. Washington, D. C. 20463 (202) 523-4143
DATED:	
	Merv Newell Respondent 4670 West Imperial Highway Inglewood, California 90304

(213) 678-2596

LAM OFFICER

HOCHMAN, SALKIN AND DEROY

273-14 8 1 272-0861

BRUCE I. HOCHMAN AVRAM BALKIN GEORGE DIROY ARTHUR P. GENERAUX, JR HARVEY D. TACK MICHAEL W. FRYE HORMAN H. MONEJIL STEPHEN V. WILSON RICHARD H. GANNON BARRY L. GUTERMAN MARK E. BOWERS

SEVERTY HILLS, CALIFORNIA 90212

October 23, 1978

807307

Federal Election Commission 1325 K Street, NW Washington, DC 20463

Re: Edward R. Dickstein

Merv Newell MUR 373(77)

Gentlemen:

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Reference is made to my telephone conversation with Biz Van Gelder on October 20, 1978. The purpose of this letter is to confirm, on behalf of our clients Dickstein and Newell, that they have offered to enter into a conciliation agreement with the Federal Election Commission calling for a total payment of \$10,000 by them. The draft of agreements furnished to me by Ms. Van Gelder in July of this year are generally acceptable to my clients, but require minor modifications which I am sure will be acceptable to you.

After we have been notified that you have accepted our offer, and after the written agreements have been reduced to their final form (including the allocation of the \$10,000 penalty between Dickstein and Newell), Dr. Dickstein and Mr. Newell are prepared to execute the agreements almost immediately.

This offer has been duly authorized by our clients. We look forward to hearing your response.

Wery truly yours,

Richard H. Gannon

RHG: ma

LAW OFFICES

## HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

9100 WILSHIRE BOULEVARD

SEVENTH FLOOR - WEST TOWER

BEVERLY HILLS. CALIFORNIA 90212

( · ,

. 00123 P2:42

Federal Election Commission 1325 K Street, NW Washington, DC 20463

In the Matter of	)					
Merv Newell	)			MUR	373	(77)

#### CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election

Commission, do hereby certify that on October 25, 1978, the Commission,

meeting in Executive Session, determined by votes of 5-0 to take the

following actions in MUR 373 (77):

- 1. Rescind the September 13, 1978 finding of probable cause to believe that the respondents in MUR 373 (77) violated 2 U.S.C. §§44lb and 44lf and the authorization to institute a civil law suit.
- 2. Adopt the recommendation of the General Counsel to accept the amount of \$10,000 civil penalty and conclude the matter through conciliation.

Voting affirmatively for this action were Commissioners Aikens, Harris, Springer, Thomson, and Tiernan.

Attest:

Date 10/26/79

Marjorie W. Emmons Secretary to the Commission

IN THE MATTER OF: MERV NEWELL MUR 373 (77) EDWARD DICKSTEIN

#### GENERAL COUNSEL'S REPORT

On September 13, 1978, the Commission determined there was probable cause to believe that the abovementioned Respondents had violated sections 44lb and 441f of the Act. The "wide difference between the Commission's and Respondents' view of what an adequate penalty should be" was cited as the main reason for not accepting the Respondents' counter-offer of \$5,525. Respondents' now propose \$10,000.

#### RECOMMENDATION:

The Commission should accept this amount and conclude the matter through conciliation.

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William C. Oldaker

In the Matter of	) )	MUR 373 (77)
Merv Newell Edward Dickstein	)	

#### CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 13, 1978, the Commission determined by a vote of 5-0 to adopt the recommendation of the General Counsel to find probable cause to believe that the respondents in the above-captioned matter violated 2 U.S.C. §§44lb and 44lf and authorize the institution of a civil law suit.

Commissioner Springer was not present at the time of the vote.

Attest:

9/15/78
Date

Marjorie W. Emmons

Secretary to the Commission

## BEFORE THE FEDERAL ELECTION COMMISSION September 1, 1978

In the Matter of	)		
	)		
Merv Newell	) M	UR 373	(77)
Edward Dickstein	)		-

#### GENERAL COUNSEL'S REPORT

### I. SUMMARY

C

On March 1, 1978, the Commission found reasonable cause to believe that Merv Newell and Edward Dickstein violated 2 U.S.C. §§441b and 441f by effecting corporate contributions from Omni-Rx Health Systems, Inc. through the Imperial West Medical Group Trust Account in the names of partners of Imperial West.

## II. CONCILIATION NEGOTIATIONS

During conciliation, counsel for the Commission and respondents had negotiated the attached proposed conciliation agreements, but could not agree upon civil penalties. (See Attachments A & B). The Commission had authorized a civil penalty of \$26,500 per respondent on March 1, 1978 which represented the amount of contributions from Omni-Rx to Federal candidates and committees. Since then, respondents have made varying counter offers of civil penalties which were based on inconsistent and incomplete arguments. They first counter-offered with \$1,650 per respondent which was based upon a total figure of \$3,233.33 which respondents proposed as the total amount of

contributions made through the auspices of Imperial West
Medical Group without the authorization of Drs. Geiger, Mitchell,
and Grier. 1/ Thus, the difference between the Commission's
rationale and respondents' is that the former's is based upon
the 44lb violation while the latter's is premised upon a 44lf
violation. While respondents did not believe that they had
even made corporate contributions, (since they had labelled them
as "loans" from Omni-Rx) for the purpose of conciliation they
now will admit to a 44lb violation. (See paragraph 5, p. 4, of
the proposed conciliation agreement.)

At the July 6, 1978, conciliation meeting, counsel offered a civil penalty of \$5,000 on behalf of Dr. Dickstein and stated that Mr. Newell would not go above his previous offer of \$1,650. However, counsel has modified his offer by letter of August 11, 1978 and states that respondents would be willing to pay a collective penalty of \$5,525. This figure, they state, represents 50% of the Federal campaign contributions allegedly made by Omni-Rx in violation of \$441b, but only after May 11, 1976.

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The attached conciliation agreements include major concessions by respondents in an effort to close this case through

<sup>1/</sup> Respondents omitted their own contributions in reaching their figure for a civil penalty since they maintain they could not make a 44lf contribution; however, they did not indicate why they omitted the contributions allegedly made in the names of Drs. Scott, Higgenbotham, Strahan, Koch and Markovitz.

conciliation. 2/ Earlier challenges by them included the elimination of an admission of liability clause; venue in California rather than the District of Columbia in the event of a breach of the agreement; and a complete omission of the 44lb violation. All of these omissions would now be reinserted by respondents in the present agreement, see paragraphs IV,V, and VIII.

Respondents' willingness to sign agreements with the reduced penalties is accompanied by their arguments that \$ 441b is unconstitutional and that an imposition of any penalties to cover violations which took place before the date of enactment of the amendments violates the expost facto clause of the Constitution.

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Although the Supreme Court has never ruled on the constitionality of \$ 441b or its predecessor 18 U.S.C. \$ 610, it has frequently recognized the legitimacy of the statute's purposes.

See, e.g., Cort v. Ash, 422 U.S. 66 (1975); First National Bank

of Boston v. Bellotti, U.S. , 46 U.S.L.W. 4371(1978).

Several lower courts have expressly ruled \$ 441b constitutional,

see United States v. Chestnut, 533 F. 2d 40 (2d Cir. 1976), cert.

den., 429 U.S. 829 (1976); United States v. Boyle, 482 F. 2d 755

(D.C. Cir. 1973), cert. den., 414 U.S. 1076 (1973).

<sup>2/</sup> Respondents' interest in pressing their view could be attributed to two recent decisions involving Omni-Rx. The first was an administrative decision by the California Department of Justice to drop its criminal investigation of Omni-Rx's alleged violation of 9 Calf. Gov't. Code § 84301 (No contributions shall be made, directly or indirectly, by an person in a name other than the name by which such person is identified for legal purposes.) In another matter, Omni-Rx successfully had venue of the S.E.C. case switched from the District of Columbia to California.

As for respondents' ex post facto argument, that clause of the Constitution has been construed to apply to criminal rather than civil prosecutions, Mabler v. Eby, 264 U.S. 32 (1924). In addition, the application of the ex post facto provision has been limited to changes in substance not procedure, Dobbert v. Florida, 432 U.S. 282 (1977). Here the 1976 amendments made no change in the elements of the substantial violation, and an imposition of a civil penalty would be considered procedural since the civil penalties are substantially less onerous than the criminal sanctions of the prior amendments. Thus, respondents should not be able to invoke the prohibition of the ex post facto clause as a defense.

Given the wide difference between the Commission's and Respondents' view of what an adequate penalty should be and the weakness of their legal challenges to §44lb as well as the length of time in which the Respondents' have had to conciliate with the Commission, we propose that the Commission reject their counter-proposal.

## III. RECOMMENDATION

Find probable cause to believe that respondents violated 2 U.S.C. §§441b and 441f and authorize the institution of a civil law suit.

3/12

Date

William C. Oldaker General Counsel

In the Matter of	)
	) ) MUR 373 (77
Merv Newell	)

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## CONCILIATION AGREEMENT

This matter having been initiated on the basis of a complaint filed by the California Department of Corporations, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Newell violated 2 U.S.C. §44lb and §44lf;

Now, therefore, the respective parties herein, the Federal Election Commission (hereinafter "the Commission") and respondent Newell having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

- I. That the Commission has jurisdiction over respondent Newell and the subject matter of this proceeding.
- II. That respondent Newell has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. That the pertinent facts in this matter are as follows:
- A. Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership.
  - B. Imperial West Medical Group (hereinafter "IWMG")

was a California general partnership which engaged in a group medical practice from before September 9, 1974 until December 31, 1976. C. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary The following individuals were the partners of IWMG: Edward R. Dickstein, M.D. Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. Ţ Kenneth H. Geiger, M.D. Robert M. Higgenbottom, M.D. Myron Koch, M.D. Alvin Markovitz, M.D. 0 Mery Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns, directly or indirectly, about 3 per centum of the out-~ standing common stock of Omni-Rx. In his capacity as an officer of Omni-Rx, Newell was responsible for the financial management of IWMG. E. Edward R. Dickstein is the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG. -3MENT AND THE SOLUTION A

XII. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought pursuant to Section VII.

DATED:	

William C. Oldaker General Counsel Federal Election Commission 1325 K Street, N.W. Washington, D. C. 20463 (202) 523-4143

DATED:	

Merv Newell
Respondent
4670 West Imperial Highway
Inglewood, California 90304
(213) 678-2596

In the Matter of )

Edward R. Dickstein ) MUR 373 (77)

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## CONCILIATION AGREEMENT

This matter having been initiated on the basis of a complaint filed by the California Department of Corporations, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Dickstein violated 2 U.S.C. §441b and §441f;

Now, therefore, the respective parties herein, the Federal Election Commission (hereinafter "the Commission") and respondent Dickstein, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

- I. That the Commission has jurisdiction over respondent Dickstein and the subject matter of this proceeding.
- II. That respondent Dickstein has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. That the pertinent facts in this matter are as follows:
- A. Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership.
  - B. Imperial West Medical Group (hereinafter "IWMG")

was a California general partnership which engaged in a group medical practic from before September 9, 1974 until December 31, 1976. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary among support. The following individuals were the partners of IWMG: Edward R. Dickstein, M.D. 0 Cranford L. Scott, M.D. Ronald W. Strahan, M.D. £. Anitha T. Mitchell, M.D. Kenneth H. Geiger, M.D. Robert M. Higgenbottom, M.D. Myron Koch, M.D. Alvin Markovitz, M.D. Mery Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. He was also, prior to <u>\_\_</u> 1976, Vice President for Corporate Finance of Omni-Rx. Newell C. owns, directly or indirectly, about 3 per centum of the outstanding common stock of Omni-Rx. In his capacity as an officer of Omni-Rx, Newell was responsible for the financial management of IWMG. E. Edward R. Dickstein is the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG.

The use of Omni-Rx funds for contributions to Federal political candidates and committees constitutes prohibited corporate contributions within the meaning of 2 U.S.C. \$441b and its predecessor 18 U.S.C. §610. As such, the use of corporate funds for political contributions is in violation of 2 U.S.C. \$441b and its predecessor 18 U.S.C. \$610. VI. Respondent Dickstein agrees that he will pay a civil penalty in the amount of pursuant to 2 U.S.C. \$437(a)(6)(B). Respondent Dickstein agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq. GENERAL CONDITIONS: The Commission, on request of anyone filing a complaint under 2 U.S.C. §437q(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(1). It is mutually agreed that this agreement shall become effective as of the date that all parties hereto executed same and the Commission has approved the entire agreement. Х. It is agreed that respondent Dickstein shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement.

ment has been entered for the sole purpose of obtaining voluntary compliance with the Federal Election laws, and may not be used against Dr. Dickstein, or be considered by court or administrative agency, except in an action brought by the Commission upon violation of this agreement.

XII. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought pursuant to Section VII.

DATED:	
	William C. Oldaker
	General Counsel
	Federal Election Commission
	1325 K Street, N.W.
	Washington, D. C. 20463
	(202) 523-4143

DATED:

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Edward R. Dickstein Respondent 4670 West Imperial Highway Inglewood, California 90304 (213) 678-2596 LAW OFFICES

FEGERAL ELECTION

REA GODE 213 273-116 1 272-0661

BRUCE I. HOCHMAN AVRAM SALKIN GEORGE DERDY ARTHUR P. GENERAUX, JR. HARVEY D. TACK MICHAEL W. FRYE NORMAN H. MENEIL STEPHEN V. WILSON RICHARD H. GANNON BARRY L. GUTERMAN

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HOCHMAN, SALKIN AND DERON

SEVENTH FLOOR-WEST TOWER AUG 15 AM 11:52 BEVERLY HILLS, CALIFORNIA 90212

August 11, 1978

Federal Election Commission 1325 K Street, NW Washington, DC 20463

Re: Edward R. Dickstein and Merv Newell MUR 373(77)

Gentlemen:

Reference is made to your letter dated March 7, 1978, to our letter dated April 4, 1978 and to a meeting between the undersigned and Biz Van Gelder of your staff on July 6th of this year. We have carefully evaluated our position and, for the reasons stated below, agree to pay the sum of \$5,525 in penalties to conciliate our dispute with your Commission. This settlement represents 50% of the Federal campaign contributions allegedly made by Omni-Rx Health Systems after May 11, 1976—the date of enactment of the Federal Election Act of 1976.

As you will recall, we have taken the position that the Federal statute prohibiting Federal campaign contributions by corporate entities violates the First Amendment to the United States Constitution and is hence unconstitutional. We have also taken the position that the contributions in question were made by the partners of Imperial West Medical Group and not by Omni-Rx Health Systems. Dr. Dickstein and Mr. Newell are willing to litigate these issues, but in the spirit of conciliation, will collectively pay a total penalty in the amount described in the first paragraph of this letter to preclude the necessity of further litigation.

Prior to May 11, 1976, the only remedy possessed by the Federal Government to combat violations of the Federal Election laws were criminal prosecution or a Federal Election Commission
August 11, 1978
Page Two

civil action seeking injunctive relief.
of the passage of the Federal Election Campaign of the statutory scheme provide imposition of civil penalties for campaign in violation of the Act. It is our position 1976 Amendments should not be construed to

civil action seeking injunctive relief. The effect of the passage of the Federal Election Campaign Act of 1976 was to add the statutory scheme providing for the imposition of civil penalties for campaign contributions in violation of the Act. It is our position that the 1976 Amendments should not be construed to authorize the imposition of a penalty for illegal contributions made prior to the effective date thereof. To construe the statute to provide for the retroactive imposition of penalties would constitute an expost facto enactment, in violation of Article I, Section 9 of the United States Constitution.

With respect to the drafts of the proposed conciliation agreements furnished to the undersigned by Biz Van Gelder of your staff on July 6, 1978, the following changes are suggested:

- 1. The word "among" should be inserted between the words "were" and "the" appearing in the second sentence of paragraph III, C;
- 2. The phrase "some of said individuals" should be substituted for the phrase "the individual listed below" in the third sentence of paragraph III, G.

We look forward to hearing your response.

Very truly yours,

Richard H. Gannon

RHG:ma

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LAW OFFICES

### HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

9100 WILSHIRE BOULEVARD SEVENTH FLOOR: WEST TOWER BEVERLY HILLS, CALIFORNIA 90212







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Tederal Election Commission 1926 F Etreet IN Deshington, DC 20063



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## FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20463

July 17, 1978

MEMORANDUM TO: CHARLES STEELE

FROM:

MARJORIE W. EMMONS YNWE

SUBJECT:

MUR 373 - Interim Status Report dated 7-12-78

Signed: 7-14-78

Received in Office of Commission

Secretary: 7-14-78, 2:37

The above-mentioned document was circulated on a 24 hour no-objection basis at 4:00 p.m., July 14, 1978.

As of 4:00 p.m. this date, no objections have been received in the Office of Commission Secretary to the Interim Status Report.

PLOSE THE COLUMN

SUBURCE: MOR 373

Please have the attached Interin Status Report on MUR 373 distributed to the Complesion.

Thank you.

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# BEFORE THE FEDERAL ELECTION COMMISSION July 12. 1978

In the Matter of )
)
MUR 373 (77)
Edward Dickstein )
Mery Newell )

## INTERIM STATUS REPORT

On July 6, 1978, General Counsel's staff met with Richard Gannon, counsel for respondents Newell and Dickstein. At that time, both respondents agreed to language which is substantially similar to the Commission's proposed conciliation agreement. In addition, Dr. Dickstein agreed to increase his counter-offered civil penalty from \$1,650 to \$5,000, while Mr. Newell maintained he would not pay a penalty of more than his original counter-offer of \$1,650. We advised counsel that, given the Commission's original penalty proposal of \$26,500 per respondent, we could not recommend that it adopt these counter-offers. Mr. Gannon will consult with his clients and advise us shortly as to whether they would agree to higher amounts.

7/1/18 Date

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William C. Oldaker General Counsel EVELLE J. YOUNGER

STATE OF CALIFORNIA



FEDERAL FLECTION

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OFFICE OF THE ATTORNEY GENERAL

# Bepartment of Justice

3580 WILSHIRE BLVD. LOS ANGELES, CALIFORNIA 90010 (213) 736-2304

July 6, 1978

604339

Ms. Biz Van Gelder Federal Election Commission 1325 K Street N.W. Washington, D.C. 20463

Re: Your File No. MUR373(77)
Our File No. 77IN0004

Dear Ms. Van Gelder:

Enclosed is a copy of the California Department of Corporations audit report which you requested.

If I can be of any further assistance, please contact me at the telephone number indicated below.

Very truly yours,

MARC E. TURCHIN

Deputy Attorney General

MET:esv

Enc.

# Memorandum

To OWEN LEE KWONG
Deputy Attorney General
3580 Wilshire Boulevard
Los Angeles, California 90010

Date : June 12, 1978

File No.: ALPHA

Subject:

OMNI-RX HEALTH SYSTEMS POLITICAL CONTRIBUTIONS

From : Department of Corporations

JOHN M. GREY Senior Enforcement Examiner (LA)

The documents obtained from ORHS under the search warrant were examined to determine how the political contributions were recorded by ORHS. Copies of these documents are attached.

The funds used to make the political contributions were charged by ORHS, in most cases, to the Account No. 118.81 "Due to/from IWMG".

In 1974, ORHS disbursed the following political contributions from the Doctors Group bank account and charged them as follows:

Check No. Amount Acct. Charged Date Payee 5/14/74 1919 Californians for Brown \$1,500 Accts. Pay-Trade Comm. to Elect McKeever Prom. & Enter. 1924 100 5/23/74

In 1974, ORHS disbursed the following political contributions from the IWMG Trust Account and charged them as follows:

Date Check No. Payee Amount Acct. Charged 4/18/74 134 Moretti Dinner Comm. \$1,500 Prom. & Enter. 4/19/74 135 Comm. to Elect Lacayo 500 Prom. & Enter.

Other political contributions made by ORHS from the IWMG Trust Account were charged to Account No. 118.81 Due to/from IWMG.

The political contributions that were disbursed by ORHS through the IWNG account at Crocker National Bank were charged to Account No. 118.81 Due to/from IWMG when the funds were transferred from the IWMG Trust Account.

An analysis of Account No. 118.81 Due to/from TVMG for the period July 1, 1973 through December 31, 1976 disclosed that at all times IVMG owed money to ORHS. Analysis of cash collections from receivables and draws paid the doctors during the same time period disclosed the following:

 Cash collections
 \$3,326.984

 43% due doctors
 1,430,603

 Doctors Draws paid
 1,587,123

 Excess draws
 156,520

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OWEN LEE KWONG
Deputy Attorney General
Re: OMNI-RX HEALTH SYSTEMS
POLITICAL CONTRIBUTIONS

If the political contribution
then the doctors would owe abto ORHS.

At the end of each quarter, Of
Account No. 118.81 Due to/from

June 12, 1978

File No. ALPHA

If the political contributions are considered advances to the doctors, then the doctors would owe about \$105,000 more, or a total of \$261.520 to ORHS.

At the end of each quarter, ORHS would record a journal entry crediting Account No. 118.81 Due to/from IWMG for the balance in Account No. 111.81 Agency-IWMG, and noting it as a "Transfer of Receivables". The effect of this transaction would be to give the doctors full credit for the patients receivables regardless of collections by reducing, their debt to ORHS. The doctors, thereafter, would have no further interest in the collections from those receivables transferred.

JOHN M. GREY

Senior Enforcement Examiner

JMG:ppd Attachments M. E. TURCHIN
OFFICE OF THE ATTORNEY GENERAL

#### DEPARTMENT OF JUSTICE

. C EOO TISHMAN BUILDING 3580 WILSHIRE BOULEVARD LOS ANGELES, CALIFORNIA 90010

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TO JUL 10 FA 2:33

Ms. Biz Van Gelder Federal Election Commission 1325 K Street N.W. Washington, D.C. 20403 LAN OFFICES

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BRUCE 1. HOGHMAN AVRAM SALKIN GEORGE DERÖY ARTHUR P. GENERAUX, JR. HARVEY D. TACK MICHAEL W. PRYE NORMAN H. MENEIL STEPHEN V. WILSON RICHARD H. GANNON BARRY L. GUTERMAN

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HOCHMAN, SALKIN AND DEROY

9100 WILSHIME BOULEVARD SEVENTH PLOOR-WEST TOWER BEVERLY HILLS, CALIFORNIA 90212 78 .III 3 PM 12-0026

June 28, 1978

Ms. Biz Van Gelder Federal Election Commission 1325 K Street, NW Washington, DC 20463

Re: Edward R. Dickstein and Merv Newell

MUR 373(77)

Dear Ms. Van Gelder:

Reference is made to our telephone conversations of June 19th and June 28th, 1978. I sincerely apologize for not confirming, in writing, that our clients Edward R. Dickstein and Merv Newell were willing to enter into a compremise agreement with you providing for a total fine of \$5,000 after our conversation on June 19th. I, and nobody else was to blame and I sincerely apologize for my rudeness.

As agreed in our most recent conversation, I will be in Washington on Thursday, July 6th for a hearing in Judge Hart's Courtroom. The hearing is at 10:00 a.m. After the hearing I will telephone you in the hopes that we may meet for lunch.

I look forward to meeting with you next week.

Sincerely

Richard H. Gannon

RHG: ma

#### HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

9100 WILSHIRE BOULEVARD

SEVERITH FLOOR - WEST TOWER

BEVERLY HILLS, CALIFORNIA 90212

100 JHZ 3 76 12:26

Ms. Bit Van Telder Federal Election Commission 1325 K Street, UM Washington, DC 20483



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20463

June 26, 1978

MEMORANDUM TO:

FROM:

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SUBJECT:

MARJORIE W. EMMONS MW E MUR 373 (77) - Interim Status Report dated 6-20-78

Signed: 6-22-78, Received in OCS: 6-22-78, 4:30

The above-mentioned document was circulated on a 24 hour no-objection basis at 9:30 a.m., June 23, 1978.

As of 10:30 a.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Status Report.



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June 22, 1978

MEMORANDUM TO: Marge Emmons

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Riises T. Garr

SUBJECT:

9100737315773

Please have the attached Interin Status Report on MUR 373 distributed to the Chamission on a 24 hour non-objection basis.

Thank you.

# BEFORE THE FEDERAL ELECTION COMMISSION June 20, 1978

IN THE MATTER OF:

Merv Newell
Edward Dickstein

Mur 373(77)

#### INTERIM STATUS REPORT

Negotiations are still pending in the matter of Omni-Rx. Counsel for Respondents Newell and Dickstein has asked for a final in-person conciliation attempt on July 3, 1978. If some reasonable counter-offer is not made by respondents at that time, we shall prepare a General Counsel's report recommending probable cause to believe that Mr. Newell and Dr. Dickstein have violated 2 U.S.C. \$\$441b and 441f.

Date

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William C. Oldaker General Counsel



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20463

May 31, 1978

MEMORANDUM TO: CHARLES STEELE

FROM:

O.

MARJORIE W. EMMONS

SUBJECT:

MUR 373 (77) - Interim Conciliation Report dated

5-26-78

Received in Office of Commission

Secretary: 5-26-78

The above-mentioned document was circulated on a 24

hour no-objection basis at 1:30 p.m., May 30, 1978.

There were no objections to the Interim Conciliation Report.

Property of the State of Com-

SUBJECT: -

Please have the attached Interin Consiliation Report
on MUR 373 distributed to the Commission.
Thank you.

#### BEFORE THE FEDERAL ELECTION COMMISSION

In	the Matter of :	) See	
	Merv Newell		MUR 373 (77)
	Edward Dickstein		

#### INTERIM CONCILIATION REPORT

Negotiations are still continuing in the matter of Omni-Rx. Thus far, we have been able to agree on venue and admission of liability clauses, as well as the retention of the 44lb viclation in the agreement.

Negotiations are now centering on the amount of the civil penalty. Our original proposal suggested a penalty of \$26,500 per respondent and counsel for respondent countered with \$1650 per respondent. Counsel stated that he would be in further contact with both his clients, Newell and Dickstein, to discuss a higher counteroffer. We shall attempt to bring a final conciliation agreement to the Commission shortly.

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Date

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William C. Oldaker General Counsel



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

APRIL 24, 1978

MEMORANDUM TO:

CHARLES STEELE

FROM:

MARJORIE EMMONS

RE:

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REPORTS FROM GENERAL COUNSEL ON MURS

At 3:30 p.m. on Friday, April 21, 1978, the Office of the Secretary to the Commission circulated the following MUR reports to the Commissioners on a no-objection basis:

MUR 546

MUR 373

MUR 467

MUR 473

MUR 526

At 4:00 p.m. on Monday, April 24, 1978, we have received no objections to the recommendations in the above-named reports.



Apela: 21 July

MEMORANDUM TO: Marge Emmons

FROM: Blisso T. Carr

SOBJECT: MOR 373.

Please have the attached interia Conciliation Report on MUR 373 distributed to the Commission on a 24 hour no-bbjection basis.

Thank you.

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#### BEFORE THE FEDERAL ELECTION COMMISSION April 20, 1978

In the Matter of	)	
Merv Newell Edward Dickstein	}	MUR 373(77)
(Omni-Rx)	j	,

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#### INTERIM CONCILIATION REPORT

On April 10, 1978, respondents, through counsel, offered a modified conciliation agreement to the Commission. Respondents propose three changes. They are: (1) a reduction of the penalty, (2) elimination of the admission of liability clause, and (3) an omission of the 441b violation.

Aside from the negotiations on the penalty and admission, the conciliation process has focused on the corporate contributions violation. Counsel states that respondents' "greatest difficulty" is with the provision in the Commission's proposal that "assumes" that the money from Omni-Rx was a corporate contribution. Counsel states that the SEC and California Department of Corporation's investigations have "amply demonstrated" that these amounts were recorded as "loans," and that it "is impossible for us to agree that they constituted the 'use of corporate funds' within the meaning of 2 U.S.C. §44lb." Of course, a loan is considered a "contribution or expenditure" within the meaning of 44lb, so this area should be something which can be clarified during the conciliation process.

We expect that the respondents will continue to conciliate these matters expeditiously and that a final resolution to this matter may be effected via conciliation.

2 Aini LETY
Date

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William C. Oldaker

General Counsel

HOCHMAN, SALKIN AND DEROY A PROFESSIONAL CORPORATION &

> SIGO WILSHIRE BOULEVARD SEVENTH FLOOR-WEST TOWER BEVERLY HILLS, CALIFORNIA 90212

April 4, 1978

Federal Election Commission 1325 K Street, NW Washington, DC 20463

> Re: Edward R. Dickstein Merv Newell MUR 373 (77)

Gentlemen:

BRUCE I. HOCHMAN AVRAM BALKIN

ARTHUR P. DENERAUX, JA

GEORGE DERO

HARVEY D. TAGE

MICHAEL W. PRYE NORMAN H. MINEIL STEPHEN V. WILSON

RICHARD HI MANNON BARRY L. GUTERMAN

> Reference is made to your letters dated March 7, 1978 and to the proposed agreements attached thereto. We have carefully examined your proposed agreements and, for the reasons stated below, suggest that they be modified in the manner outlined in the attached agreements.

As you can see, the main changes set forth in our proposed drafts concern the reduction of the proposed civil penalty from \$26,500 to \$1,650.00. Our number is based on the proposition that, at best, \$3,233.33 of the amounts contributed through the auspices of Imperial West Medical Group to federal candidated during the period in question were made without the authorization of the persons named as contributors on the checks in question. We refer, of course, to contributions authorized by Drs. Kenneth H. Geiger, Anitha T. Mitchell and Barnett Grier. We are aware that the aforementioned individuals claim the campaign contributions were made without their consent. We disagree and, as a basis for compromise, agree to pay over fifty percent of the amounts contributed by said individuals to federal candidates.

The second most significant change in our draft of the proposed agreement is that our clients neither admit nor deny the truth of the factual allegations contained therein. For obvious reasons, our clients

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Federal Election Commission April 4, 1978 Page Two

hestitate to place their imprimature on any factual statement which could possibly be used against them in a criminal proceeding, or, in the alternative, utilized to fuel the delusions currently harbored by other governmental agencies. On the other hand, we are willing to compromise in the manner outlined in the proposed agreements.

Our greatest difficulty with your version of the proposed agreements is that they assume, for the purpose of the compromise, that amounts borrowed from Omni-Rx Health Systems and utilized as campaign contributions to candidates for federal office constitute contributions by Omni-Rx. As you know, parallel investigations by the California Department of Corporations and the Securities and Exchange Commission have amply demonstrated that the advances in question were recorded as loans on the books of both Omni-Rx Health Systems and Imperial West Medical Group. Given these facts, it is impossible for us to agree that they constituted the "use of corporate funds" within the meaning of 2 U.S.C. §441(b) or that, in fact, the contributions in question were made by the corporation under 2 U.S.C. §441(f).

In closing, we apologize for the delay in responding to your compromise offer of March 7, 1978. Both Dr. Dickstein and Mr. Newell were out of the state for substantial portions of the past several weeks, thereby delaying their independent consideration of your proposed compromise. Please telephone us if you have any questions regarding our counter offer.

Sincerely

Richard H.

Maxx XX

RHG:ma Enclosures

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In the Matter of ) MUR 373 (77) Edward R. Dickstein )

#### CONCILIATION AGREEMENT

This matter having been initiated on the basis of a complaint filed by the California Department of Corporations, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Dickstein violated 2 U.S.C. §441b and §441f;

Now, therefore, the respective parties herein, the Federal Election Commission (hereinafter "the Commission") and respondent Dickstein (without admitting or denying the factual allegations as set forth below), having duly entered into conciliation pursuant to 2 U.S.C. §437(a)(5), do hereby agree as follows:

- I. That the Commission has jurisdiction over respondent Dickstein and the subject matter of this proceeding.
- II. That respondent Dickstein has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. That the pertinent facts in this matter are as follows:

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Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership. Imperial West Medical Group (hereinafter "IWMG") was a California general partnership which engaged in a group medical practice from before September 9, 1974 until 10 after December 31, 1976. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary support. The following individuals were among the partners of IWMG: Lie Edward R. Dickstein, M.D. Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. 0 Kenneth H. Geiger, M.D. 1 Robert M. Higgenbothom, M.D. Myron Koch, M.D. Alvin Markovitz, M.D. Merv Newell is Executive Vice President and D. Treasurer and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns, directly or indirectly, about 3 per centum of the outstanding common stock of Omni-Rx. In his capacity as an officer of Omni-Rx, Newell was responsible for the financial management of IWMG. - 2 -

Edward R. Dickstein is the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG. F. Between September 9, 1974 and December 31, 1976, IWMG issued checks in a total amount exceeding \$100,000 to political candidates and committees, approximately \$26,500 of which went to identifiable federal candidates or party related committees. Many of these contributions were charged to specific individuals, including Dr. Dickstein, Mr. Newell, other persons named in paragraph 3-C, and dubo other physicians employed by IWMG. Some of the funds C utilized to make these contributions were borrowed from C Omni-Rx by IWMG, and recorded as loans on the books of both Omni-Rx and IWMG. G. All of the contribution checks were signed by either Dr. Dickstein or Mr. Newell. Some of the individuals to whom the contributions were charged deny any knowledge of the fact that political contributions were made in their names. In particular, the individuals listed below have stated, under penalty of perjury, that they had no advance knowledge that political contributions were being made in their names; contributions in the - 3 -

amounts listed next to their names have specifically been identified as having been made to candidates for federal office: Kenneth Geiger \$1,200.00 Anitha T. Mitchell 1,533.33 500.00 Barnett Grier WHEREFORE, respondent Dickstein agrees: The use of partnership funds for the contribu-4 tions made in the name of Drs. Geiger, Mitchell and Grier 7.0 constitute the making of contributions in the name of others within the meaning of 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614. V. Respondent Dickstein agrees that he will pay C a civil penalty in the amount of \$1,650 pursuant to 2 U.S.C. 0 §437(a)(6)(B). VI. Respondent Dickstein agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq. GENERAL CONDITIONS: VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.§437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes

that this agreement or any requirement thereof has been violated, it may institute a civil action for relief pursuant to 2 U.S.C. \$437g(a)(1). VIII. It is mutually agreed that this agreement shall become effective as of the date that all parties 10 hereto have executed same and the Commission has approved the entire agreement. It is agreed that respondent Dickstein shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement. It is mutually agreed that this conciliation agreement has been entered for the sole purpose of obtaining voluntary compliance with the Federal Election laws, and may not be used against Dr. Dickstein, or be considered by any court or administrative agency, except in an action brought by the Commission upon violation of this agreement. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought

pursuant to Section VII.

DATED:	
--------	--

William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463
(202) 523-4143

DATED:

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Edward R. Dickstein Respondent 4670 West Imperial Highway Inglewood, California 90304 (213) 678-2596

A. Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership. Imperial West Medical Group (hereinafter "IWMG") was a California general partnership which engaged in a group medical practice from before September 9, 1974 until after December 31, 1976. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary support. The following individuals were among the partners of IWMG: 4 Edward R. Dickstein, M.D. Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. Q. Kenneth H. Geiger, M.D. 1 Robert M. Higgenbothom, M.D. Myron Koch, M.D. Alvin Markovitz, M.D. Mery Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns, directly or indirectly, about 3 per centum of the outstanding common stock of Omni-Rx. In his capacity as an officer of Omni-Rx, Newell was responsible for the financial management of IWMG. - 2 -

# BEFORE THE FEDERAL ELECTION COMMISSION February 22, 1978

In the Matter of )

MUR 373 (77)

Merv Newell )

## CONCILIATION AGREEMENT

This matter having been initiated on the basis of a complaint filed by the California Department of Corporations, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Newell violated 2 U.S.C. §441b and §441f;

Now, therefore, the respective parties herein, the Federal Election Commission (hereinafter "the Commission") and respondent Newell (without admitting or denying the factual allegations as set forth below), having duly entered into conciliation pursuant to 2 U.S.C. \$437(a)(5), do hereby agree as follows:

- I. That the Commission has jurisdiction over respondent Newell and the subject matter of this proceeding.
- II. That respondent Newell has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. That the pertinent facts in this matter are as follows:

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E. Edward R. Dickstein is the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG. F. Between September 9, 1974 and December 31, 1976, IWMG issued checks in a total amount exceeding \$100,000 to 10 political candidates and committees, approximately \$26,500 1 of which went to identifiable federal candidates or party  $\overline{\phantom{a}}$ related committees. Many of these contributions were charged to specific individuals, including Dr. Dickstein, Mr. Newell, other persons named in paragraph 3-C, and other physicians employed by IWMG. Some of the funds C utilized to make these contributions were borrowed from C Omni-Rx by IWMG, and recorded as loans on the books of Back. both Omni-Rx and IWMG. All of the contribution checks were signed by either Dr. Dickstein or Mr. Newell. Some of the individuals to whom the contributions were charged deny any knowledge of the fact that political contributions were made in their names. In particular, the individuals listed below have stated, under penalty of perjury, that they had no advance knowledge that political contributions were being made in their names; contributions in the

amounts listed next to their names have specifically been identified as having been made to candidates for federal office: \$1,200.00 Kenneth H. Geiger Anitha T. Mitchell 1,533.33 500.00 Barnett Grier WHEREFORE, respondent Newell agrees: The use of partnership funds for the contribu-য tions made in the name of Drs. Geiger, Mitchell and Grier 1-1 constitute the making of contributions in the name of others within the meaning of 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614. V. Respondent Newell agrees that he will pay 19.5 a civil penalty in the amount of \$1,650 pursuant to 2 U.S.C. 0 0 §437q(a)(6)(B). T. VI. Respondent Newell agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. \$431, et seq. GENERAL CONDITIONS: The Commission, on request of anyone filing a complaint under 2 U.S.C. \$437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes

that this agreement or any requirement thereof has been violated, it may institute a civil action for relief pursuant to 2 U.S.C. §437g(a)(1). VIII. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement. It is agreed that respondent Newell shall have thirty (30) days from the date this agreement becomes 0 effective to comply with and to implement the requirement contained in this agreement. It is mutually agreed that this conciliation agreement has been entered for the sole purpose of obtaining C voluntary compliance with the Federal Election laws, and . may not be used against Mr. Newell, or be considered by any court or administrative agency, except in an action brought by the Commission upon violation of this agreement. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought 5 -

pursuant to Section VII.

DATED		
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William C. Oldaker General Counsel Federal Election Commission 1325 K Street, NW Washington, DC 20463 (202) 523-4143

DATED:

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Merv Newell
Respondent
4670 West Imperial Highway
Inglewood, California 90304
(213) 678-1231

U.S. PUSIAUS U.S.

# FROM .

Law Offices

#### HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

9100 WILSHIRE BLVD., 7th Floor, West Tower . Beverly Hills, CA 90212

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Federal Election Commission 1325 K Street, NW Washington, DC 20463



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## FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

March 7, 1978

Mr. Merv Newell 4670 West Imperial Highway Inglewood, California 90304

Re: MUR 373(77)

Dear Mr. Newell:

This letter is to notify you that the Commission has found reasonable cause to believe that you violated 2 U.S.C. §§44lb and 44lf of the Federal Election Campaign Act of 1971, as amended.

Title 2, Section 44lb of the United States Code, prohibits anyone from using corporate funds to make political contributions. Section 44lf prohibits anyone from making political contribution in the name of another individual.

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g (a) (5) (A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit pursuant to 2 U.S.C. §437g(a) (5) (B).

If you decide to comply with the terms of the enclosed agreement, please sign and return it to the Commission within thirty (30) days. If you have any questions, please do not hesitate to contact Ms. Biz Van Gelder (202-523-4175), the attorney assigned to this matter.

Sinterely yours,

William C. Oldaker General Counsel

cc: George DeRoy, Esquire

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### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

March 7, 1978

Dr. Edward Dickstein 4670 West Imperial Highway Inglewood, California 90304

Dear Dr. Dickstein:

MUR 373(77)

This letter is to notify you that the Commission has found reasonable cause to believe that you violated 2 U.S.C. §§441b and 441f of the Federal Election Campaign Act of 1971, as amended.

Title 2, Section 44lb of the United States Code, prohibits anyone from using corporate funds to make political contributions. Section 44lf prohibits anyone from making a political contribution in the name of another individual.

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g (a) (5) (A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit pursuant to 2 U.S.C. §437g(a) (5) (B).

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Sincerely yours

William C. Oldaker General Counsel

cc: George DeRoy, Esquire

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#### BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )	
}	MUR 373 (77)
Omni-Rx, et al. )	<b>,</b> -,

#### CERTIFICATION

- I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 1, 1978, at an Executive Session of the Federal Election Commission at which a quorum was present, the Commission determined by a vote of 6-0 to adopt the following recommendations contained in the General Counsel's Report, dated February 22, 1978, in the above-captioned matter:
  - 1. Find reasonable cause to believe that Merv Newell and Edward Dickstein violated 2 U.S.C. Sections 441b and 441f.
  - 2. Send the letters and proposed conciliation agreements attached to the General Counsel's Report.

Date: March 3, 1978

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V Marjorie W. Emmons Secretary to the Commission

Paneus 23, 1978

MENORANDUM POL Marge Brimens

PRODE PLICES D. CONT.

SUBJECT: MUR 373 Team \$2 Van Galder

Please have the attached Comerci Counsel's Report on MOR 373 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of March 1, 1976.

Thank you.

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# BEFORE THE FEDERAL ELECTION COMMISSION February 22, 1978

In the Matter of	)	
	)	MUR 373 (77)
Omni-Rx, et al.	)	

#### GENERAL COUNSEL'S REPORT

#### BACKGROUND:

On June 6, 1977, the Commission determined that there was reason to believe that Omni-Rx Health Systems, Inc. (Omni-Rx), a corporation, Imperial West Medical Group (IWMG), a partnership, and Dr. Edward Dickstein and Mr. Merv Newell violated Sections 441b and 441f of the Federal Election Campaign Act. The facts of this matter are detailed in the General Counsel's Report of June 6, 1977, and the Interim Status Report of August 10, 1977.

#### EVIDENCE:

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In the Interim Status Report, the General Counsel requested the Commission's authorization to continue investigation of the matter, coordinating its efforts with the other Agencies involved, when appropriate. Accordingly, bank statements and checks were obtained, and the respondents deposed. The bank materials confirmed that money flowed from the corporation's account (the Omni-Rx IWMG Trust Account) through the partnership's account (the IWMG Account) to political candidates and committees. The possibility of making advances to IWMG for political contributions was never discussed at any OMNI-RX Board Meetings, nor did any partnership meeting of IWMG ever

disclose any discussion of making political contributions.

All members of IWMG who have responded to date have denied any knowledge of any "slush fund" or political contributions made in their names, except Newell and Dickstein.

On January 23, 1978, we deposed Newell and Dickstein, who repeatedly invoked the Fifth Amendment, 1/ however, acknowledge that the signatures on some of the checks were theirs. For example, on page 14 of his deposition, Newell acknowledged that "...(it) appears to be my signature" on the bottom of a check numbered 281 made out to IWMG for \$6,000 on April 26, 1976 and drawn on the Trust Account. He then identified his signature on five of six subsequent checks numbered 1138, 1139, 1140, 1141, and 1142, drawn on the IWMG Account, all dated April 26, 1976, and paid to the order of the Carter for President Committee in the amount of \$1,000 each. (See attachment 1). A different endorser, each of whom was one of the owners of Omni-Rx, is listed at the top lefthand corner of each check and in each case, when contacted, the individual listed had no idea a contribution was made in his or her name to the Carter Committee. 2/

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<sup>1/</sup> At present, the California Department of Justice has pending a criminal investigation of this matter in which an indictment is expected shortly.

<sup>2/ &</sup>quot;Edward Dickstein" appears as the endorser on check #1139 and It is probable he gave his consent.

Higgenbothom, a partner, testified to the California Department of Corporations that he had given his consent to Newell. However, it is the opinion of the California Justice Department that Higgenbothom may have perjured himself to protect Newell. Prior to considering any Commission action with regard to Higgenbothom, we think it would be worthwhile to see who will be indicted by the state grand jury.

officers' consent which constitutes a violation of 2 U.S.C. §441f.

Omni-Rx was recently put into receivership by the state of California and is no longer a viable corporate entity. Newell and Dickstein are the only officers of IWMG who had any knowledge of the slush fund or its purpose. Therefore, IWMG, as an entity, should not be included in further proceedings. Consequently, Newell and Dickstein are the only respondents against whom the Commission should now proceed.

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### RECOMMENDATION:

The Commission should find reasonable cause to believe that Merv Newell and Edward Dickstein violated 2 U.S.C. §§441b and 441f, and approve the sending of the attached letters and proposed conciliation agreements.

22 /78 DATE

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WILLIAM C. OLDAKER GENERAL COUNSEL

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#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

Mr. Merv Newell 4670 West Imperial Highway Inglewood, California 90304

Re: MUR 373(77)

Dear Mr. Newell:

This letter is to notify you that the Commission has found reasonable cause to believe that you violated 2 U.S.C. §§441b and 441f of the Federal Election Campaign Act of 1971, as amended.

Title 2, Section 44lb of the United States Code, prohibits anyone from using corporate funds to make political contributions. Section 44lf prohibits anyone from making political contribution in the name of another individual.

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g (a) (5) (A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit pursuant to 2 U.S.C. §437g(a) (5) (B).

If you decide to comply with the terms of the enclosed agreement, please sign and return it to the Commission within thirty (30) days. If you have any questions, please do not hesitate to contact Ms. Biz Van Gelder (202-523-4175), the attorney assigned to this matter.

Sincerely yours,

William C. Oldaker General Counsel

cc: George DeRoy, Esquire



# BEFORE THE FEDERAL ELECTION COMMISSION February 22, 1978

In the Matter of	)		
	)	MUR 373 (77)	
Merv Newell	)		

#### CONCILIATION AGREEMENT

This matter having been initiated on the basis of a complaint filed by the California Department of Corporations, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Newell violated 2 U.S.C. §441b and §441f;

Now, therefore, the respective parties herein, the Federal Election Commission (hereinafter "the Commission") and respondent Newell, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Commission has jurisdiction over respondent Newell and the subject matter of this proceeding.

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- II. That respondent Newell has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
  - III. That the pertinent facts in this matter are as follows:
- A. Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership.

Imperial West Medical Group (hereinafter "IWMG") is B. a partnership which engages in group medical practice. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary support. The following physicians constitute the IWMG partnership: Edward Dickstein, M.D. Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. Kenneth H. Geiger, M.D. Robert M. Higgenbothom, M.D. Myron Koch, M.D. Alvin Markovitz, M.D. Merv Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns, directly or indirectly, about 3 per centum of the outstanding common stock of Omni-Rx. Newell was also Business Manager of C IWMG.  $\mathbf{c}$ Edward R. Dickstein has been the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG. Between September 9, 1974, and December 31, 1976, Omni-Rx, Newell and Dickstein expended more than \$100,000 of funds of Omni-Rx for political candidates and committees, \$26,500 (or 30%) of which went to identifiable Federal candidates or party related

GENERAL CONDITIONS: The Commission, on request of anyone filing a VIII. complaint under 2 U.S.C. §437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia. Ç~ It is mutually agreed that this agreement shall 7 become effective as of the date that all parties hereto have 0 ~ executed same and the Commission has approved the entire agreement. It is agreed that respondent Newell shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this C agreement. . It is mutually agreed that this conciliation agreement has been entered for the sole purpose of obtaining voluntary compliance with the Federal Election laws, and may not be used against Mr. Newell, or be considered by any court or administrative agency, except in an action brought by the Commission upon violation of this agreement.

V. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought pursuant to Section VIII.

Date

William C. Oldaker General Counsel Federal Election Commission 1325 K Street, N.W. Washington, D.C. 20463 (202) 523-4143

Date

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Merv Newell, Respondent 4670 West Imperial Highway Inglewood, California 90304 (213) 678-1231



#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20463

Dr. Edward Dickstein 4670 West Imperial Highway Inglewood, California 90304

Dear Dr. Dickstein:

MUR 373 (77)

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Sincerely yours,

William C. Oldaker General Counsel

cc: George DeRoy, Esquire



# BEFORE THE FEDERAL ELECTION COMMISSION February 22, 1978

In the	Matter of	)		
		) MUR	373	(77)
Edward	Dickstein	)		

C.

#### CONCILIATION AGREEMENT

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- I. That the Commission has jurisdiction over respondent Dickstein and the subject matter of this proceeding.
- II. That respondent Dickstein has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
  - III. That the pertinent facts in this matter are as follows.
- A. Omni-Rx Health Systems, Inc. (hereinafter "Omni-Rx") was a publicly held corporation, which was incorporated under the laws of the State of California in 1971, and is now in receivership.

Imperial West Medical Group (hereinafter "IWMG") is В. a partnership which engages in group medical practice. IWMG had a contract with Omni-Rx under which Omni-Rx provided management, logistical support, and ancillary support. The following physicians constitute the IWMG partnership: Edward Dickstein, M.D. Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. Kenneth H. Geiger, M.D. Robert M. Higgenbothom, M.D. ( Myron Koch, M.D. Alvin Markovitz, M.D. Ţ D. Merv Newell is Executive Vice President and Treasurer 0 and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns, directly or indirectly, about 3 per centum of the outstanding common stock 2 of Omni-Rx. Newell was also Business Manager of IWMG. Edward R. Dickstein has been the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of IWMG. Between September 9, 1974, and December 31, 1976, Omni-Rx, Newell and Dickstein expended more than \$100,000 of funds of Omni-Rx for political candidates and committees, \$26,500 (or 30%) of which went to identifiable Federal candidates or party related committees. Most of these payments were made through the instrumentality of IWMG, but were made possible by specific transfers of cash from the Omni-Rx IWMG Trust Account through the IWMG Account to political candidates and committees.

All of the contribution checks were signed by either Dr. Dickstein or Mr. Newell in the names of the other partners Those members of IWMG deny any knowledge of the soof IWMG. called "slush fund" or the political contributions made in their names. WHEREFORE, respondent Dickstein agrees: The use of Omni-Rx funds for contributions to Federal political candidates and committees constitutes contributions within the meaning of 2 U.S.C. §44lb, and its predecessor 18 U.S.C. §610. As such, the use of corporate funds for political . . contributions is in violation of 2 U.S.C. §44lb and its predecessor 18 U.S.C. §610. The use of corporate funds for the contributions made . in the name of IWMG partners constitutes the making of contri-butions in the name of others within the meaning of 2 U.S.C. C §441f and its predecessor 18 U.S.C. §614. P-.. VI. Respondent Dickstein agrees that he will pay a civil penalty in the amount of \$26,500 pursuant to 2 U.S.C. §437g(a) (6) (B). Respondent Dickstein agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq. GENERAL CONDITIONS: VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with

this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

- X. It is agreed that respondent Dickstein shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement.
- XI. It is mutually agreed that this conciliation agreement has been entered for the sole purpose of obtaining voluntary compliance with the Federal Election laws, and may not be used against Dickstein, or be considered by any court or administrative agency, except in an action brought by the Commission upon violation of this agreement.
- V. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent except for any action brought pursuant to Section VIII.

Date

William C. Oldaker General Counsel Federal Election Commission 1325 K Street, N.W. Washington, D.C. 20463 (202) 523-4143

Date

Edward Dickstein, Respondent 4670 West Imperial Highway Inglewood, California 90304 (213) 678-1231



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## FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

January 31, 1978

MEMORANDUM TO: CHARLES STEELE

FROM:

MARJORIE W. EMMONS

SUBJECT:

MUR 373 (77) - Interim Investigative Report

The above-mentioned document was circulated to the Commissioners on January 30, 1978 at 9:00 a.m.

As of 10:45, this date, no objections have been received in the Office of Commission Secretary to the Interim Investigative Report on MUR 373 (77).

ATTACHMENT: Certification

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### BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )	
)	MUR 373 (77)
Omni-Rx, <u>et al</u> . )	

### CERTIFICATION

I. Marjorie %. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 31, 1978, the Commission accepted the Interim Investigative Report in the above-captioned matter, dated January 27, 1978, without objection.

Nayonic W. Emmons

Marjorie W. Emmons

Secretary to the Commission

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Work 373 distributed on the Countries on a 14 nour noobjection basis.

Thank you.

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# BEFORE THE FEDERAL ELECTION COMMISSION January 27, 1978

In the Matter of	)	
	)	MUR 373 (77)
Omni-Rx, et al.	)	

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#### INTERIM INVESTIGATIVE REPORT

On January 24, 1978, depositions were taken of respondents

Merv Newell and Edward Dickstein concerning the Commission's

investigation into possible violations by the deponents of

2 U.S.C. §441b and §441f. The allegations in this matter are

that Merv Newell, business manager of Omni-Rx, and Edward Dickstein,

president of Omni-Rx and a partner in the Imperial West Medical

Group (IWMG), contributed more than \$26,000 of Omni-Rx corporate

monies to Federal candidates and committees through contributions

made in the names of partners of IWMG.

Upon the advice of counsel, both Newell and Dickstein exercised their Fifth Amendment privilege against self-incrimination to all questions concerning political contributions.  $\underline{1}$ /

Respondents did, however, identify several checks which trace the contributions back to their corporate source. During this trip to take the depositions, our staff attorney met with a representative of the California Attorney General's Office. At that time we were informed that that agency is preparing criminal charges against Omni-Rx and its officers for presentation to the grand jury.

<sup>1/</sup> Newell and Dickstein have also invoked the Fifth Amendment during S.E.C. depositions during discovery in the case of S.E.C. v. Omni-Rx Health Systems (D.D.C. C.A. 76-1623).

When our depositions are transcribed, a full General Counsel's Report on this matter will be made.

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...

WILLIAM WILLIAM C OLDAI GENERAL COUNSEL

36753

606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

OMNI-RX, EDWARD DICKSTEIN MERV NEWELL,

No. MUR 373 (76)

Respondents.

606 South Olive Street Suite 307 Los Angeles, California 90014

Monday, January 23, 1978 10:00 a.m.

Deposition of

EDWARD DICKSTEIN

Taken by:

BIZ VAN GELDER, ATTORNEY

Reported by:

FRANK G. HUDGINS, CSR No. 1438



IN COURT REPORTERS Carifal Deposition ?

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Deposition of EDEARD BICKSTRIN, called as a witness by the Federal Election Commission, taken before Frank G. Hudgins, CSR No. 1438, a Notary Public in and for the State of California, County of Los Angeles, at 606 South Olive Street, Suite 307, Los Angeles, California, on Monday, January 23, 1978, at 10:00 a.m., pursuant to Notice and Subpoena.

APPEARANCES OF COUNSEL:

For the Federal Election Commission:

BIZ VAN GELDER, ATTORNEY Federal Election Commission 1325 Kay Street Washington, D.C. 20463 (202) 523-4175

For the Respondents:

HOCHMAN, SALKIN AND DEROY
By: RICHARD H. GANNON, ESQ.
9100 Wilshire Boulevard
Seventh Floor-West Tower
Beverly Hills, California 90212
(213) 273-1181

\* \* \*

506 S. Olive Street, Suite 307-309, Los Angeles,

WITNESS

Edward Dickstell

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( ) ( ) ( ) EXHIBITS

Page

Plaintiff's Exhibit Nov 1: A copy of a Crocker National Bank Check drawn on the Imperial West Medical Group Check No. 1159 signed by Edward Dickstein.

606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

# PROCEEDINGS

MS. VAN GELDER: This is a deposition in the matter of an investigation of the OMNI-RX Health Care, Incorporated. To be deposed is Dr. Edward Dickstein.

Dr. Dickstein is present --

THE WITNESS: Can I stop you just a second?

Was that the proper case, OMNI-RX Health Care?

It's ONNI-RX Health Systems.

MS. VAN GELDER: OMNI-RX Health Systems, hereinafter referred to as OMNI-RX.

Dr. Dickstein is present. Also present is his attorney, Mr. Richard Gannon. Present for the Federal Election Commission is Biz Van Gelder.

We are located at 606 South Olive Street, Los Angeles, California. Today's date is January 23. It's approximately 10:00.

#### EXAMINATION

BY MS. VAN GELDER:

Q Dr. Dickstein, if you would, raise your right hand.

Do you solemnly swear that the evidence and testimony you will give will be the whole truth and nothing but the truth so help you God?

- A I do.
- Q Could you please state your name for the record?
- A Edward Dickstein.



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Q And you are a doctor?

A Yes.

Q Can you gave your home address, please.

A 223 South Bundy Drive, Los Angeles, California

90049.

Q And your home phone number?

A 472-5593.

O. Do you have a business address, sir?

Yes. 4670 West Imperial Highway, Inglewood 90304.

Q What is your present occupation?

A Medical Doctor.

O Do you have any business occupations, business offices; are you on the board of any directors?

A Yes.

Q And with what corporations or enterprises?

A Edward R. Dickstein, M.D., Inc., of which I am the President, and I'm still on the Board of Directors of OMNI-RX Health Systems.

Q Do you have any affiliation with OMNI-RX Health Care, Incorporated?

A No.

Q How about Imperial West Medical Group?

A I am a partner of that medical group.

Q How long have you been a partner of that group?

MR. GANNON: Dr. Dickstein, I'm instructing you
pursuant to our previous conversation that we are going to
claim the Fifth Amendment from here on out.

Do you know how to object on the grounds that



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it might incriminate you? You have to state the objection.

A Gray, I will not answer the guestion on the grounds that it might be self-incrimination.

MR. GANNON: All right.

Q [By Ms. Van Gelder] All right. You are a partner in the Imperial West Medical Group?

A Yes.

O How many partners are there in the Imperial West Group?

A I cannot answer that question on the grounds it might hend to incriminate me.

Okay. Do you happen to know a man named

Mr. Merv Newell?

A Yes.

Q Do you happen to know of a person with the name of Mr. Myron Koch, K-o-c-h?

A Yes.

Q Do you know him?

A Yes.

Q Is he a doctor?

A Yes.

Q Is he a partner in Imperial West?

A Yes.

Q How about Dr. Alvin Markovitz, M-a-r-k-o-v-i-t-z?

A Yes.

O Dr. Scott?

A Yes.

Q Is Dr. Scott a partner at the Imperial West --

erial We

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- Q Do you know Dres Renneth Gider?
- A Yes.
- Q Is he a partner at the Imperial West?
- A I cannot answer that question on the grounds it might tend to incriminate me.
  - O Do you happen to know Dr. Grier, G-r-i-e-r?
    Yes.
- Q Is he a partner at the Imperial West Medical Group?

A I cannot answer that question on the grounds it may tend to incriminate me.

- Q It won't incriminate you that Dr. Koch is a partner but it will incriminate you that the others are?
  - A That sounds argumentative.
- Q Okay. Well, that's all right. Just answer the question.

You don't have to answer it on the grounds it might incriminate you.

How about Dr. Anetha Mitchell; do you know Dr. Mitchell?

- A Yes.
- Q I believe it's a she. Do you know if she is a partner in Imperial West Medical Group?
- A I cannot answer that question on the grounds it may tend to incriminate me.
  - Q Do you happen to know what the address is of the

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Imperial West Medical Group?

THE WITNESS: Mr. Gannon, do I answer that?

MR. GANNON: Well, are you asking Dr. Dickstein what its present address is?

MS. VAN GELDER: Sure.

MR. CANNON: I don't believe it has a present address.

[By Ms. Van Gelder] Do you have its last known

Boulevard, Hawthorne, California.

Q . 11 -7

A 11539 Hawthorne Boulevard.

O Do you happen to know what was housed at the address of 11616 South Hawthorne Boulevard?

A Yes.

Q What was housed there?

A It was a Pix Restaurant and a Duffy's Bar and the headquarters of OMNI-RX Health Systems and OMNI-RX Health Care.

Q Would you please tell me what the difference is between OMNI-RX Health Systems and OMNI-RX Health Care? I don't know.

#### A OMNI-RX --

MR. GANNON: Why don't you object and we will go off the record.

A I cannot answer that question on the grounds it may tend to incriminate me.



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MR. GABNOR: Let's go off the record for a second. Mr. Reporter.

[Discussion off the record]

- Q [By Me. Van Gelder] What La AV-EL, A-V E-L?
- A The question as stated has no meaning.
- O Does the word or the appellation Aven mean anything to you?

It's applied to several things.

- Q Is it a medical partnership?
- Q Are you a member of this partnership?
- A Yes.
- Q Is Mr. Newell the business associate, the business manager of this partnership?

MR. GANNON: Are you asking us whether Mr. Newell is now the business manager of AV-El Medical Group?

MS. VAN GELDER: Yes. And, then, the second question will be has he ever been.

A The answer to the first is no. The second is, as an individual he is not. The business arrangement of the partnership was handled as part of the management contract with OMNI-RX Health Systems.

Q Okay.

When did you first become employed or under contract with OMNI-RX?

A I cannot answer that on the grounds that it may tend to incriminate me.

Q During your time with OMNI-RX you have been both

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a physician and a director?

- A The question has no meaning.
- Q When you were at CMNI-RX you were under some sort of affiliation with CMNI-RX; was your position either solely in a manegerial position or were you also a doctor?

  THE WITNESS: Do you want me to answer that?
- A I cannot answer that on the grounds it may tend to incriminate me.
- O (By Ms. Van Geider) Do you happen to know,

  Dr. Dickstein, if OMMI-AX Health Systems has ever maintained
  an account at the Farmers and Merchants Bank, Los Angeles,

  California?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know if the Imperial West Medical Group has ever had an account at the Crocker National Bank?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Okay. Do you happen to know Mr. Merv Newell?

MR. GANNON: Objection. The question has been asked and answered.

MS. VAN GELDER: It has, but I asked about partners.

Q [By Ms. Van Gelder] I don't believe I asked this question, whether Mr. Newell was ever the business manager of OMNI-RX Health Systems.

A I cannot answer that question on the grounds it

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Q Was Mr. Newell ever the business manager of Imperial West Medical Group?

A I cannot answer that guestion on the grounds it may tend to incriminate me.

Q Just as background, you have stated before that you were affiliated with QMNI-RX Health Systems. Is OMNI-RX Health Systems still a viable entity; is it still working, still fulfilling whatever contracts it had before?

may tend to incriminate me.

Q And is the Imperial West Medical Group still in existence?

A I cannot answer that question on the grounds it might tend to incriminate me.

Q Dr. Dickstein, have you ever issued a check from an Imperial West Medical Group checking account at the address of 11610 South Hawthorne Boulevard to Mr. Harry Sanders?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever, to the best of your knowledge, directed or had participation in any political contributions from the Imperial West Medical Group to any federal campaigns in the year of 1974?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever directed any political contributions



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to be paid or made any political contributions from a checking account at the Crocker National Bank to any political candidate or committee during the year 1975?

A I cannot answer that question on the grounds it may tend to incriminate me.

O! Have you ever made any contributions or directed any contributions to be made from the Crocker Bank to any political candidates or committees during the year 1976?

I cannot answer that question on the grounds it may tend to incraminate me.

O ... Have you any knowledge of a bank account at the Farmers and Merchants Bank, Long Beach, California, in the name of the OMNI-RX Health Systems IWMG Trust?

I cannot answer that question on the grounds it may tend to incriminate me.

Are you familiar with a man named James Earl Carter; have you ever heard of Mr. James Earl Carter, AKA Jimmy Carter?

MR. GANNON: You can answer that.

Yes. A

[By Ms. Van Gelder] Have you ever made a contribution to Jimmy Carter?

I cannot answer that question on the grounds it might tend to incriminate me.

Have you ever made a personal contribution to Jimmy Carter?

I cannot answer that question on the grounds it may tend to incriminate me.

S. Olive Street, Suite 307-309, Los Angeles, Calif. 900

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It could only incriminate you if you were a Republican.

Do you know a person by the name of Bill green? I cannot answer that on the grounds it may tend to incriminate me.

Q 12 It might.

Mave you ever attended a Breen Dinner Committee, Green Dinner, a dinner for State Senator Breen, I believe it is?

A Treamner answer that on the grounds it may tend to incriminate me

Q Have you ever attended any political or banquet for the Congressional Black Caucus?

I cannot answer that on the grounds it may tend to incriminate me.

Have you ever contributed to John Tunney?

I cannot answer that on the grounds it may tend to incriminate me.

Have you ever gone to any dinners or bought any tickets, fund-raising tickets for Senator Tunney?

A I cannot answer that question on the grounds it may tend to incriminate me.

Have you ever made a check from the Imperial West Medical Group, 11616 South Hawthorne Boulevard, a check from the Crocker National Bank, to the Democratic Convention Housing for a hundred dollars?

I cannot answer that question on the grounds it may tend to incriminate me.

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A I cannot answer that question on the grounds it may incriminate me.

Q Have you ever directed a contribution to be made?

A I cannot answer that question on the grounds it may theid to incriminate me.

D Have you ever made a contribution or directed a contribution from any bank account to be made to the Andrew Young Campaign?

A . I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever made a contribution or directed a contribution to be made in your name to Paul Sarbanes, S-a-r-b-a-n-e-s?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know Mr. Sarbanes?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know what state Mr. Sarbanes is a Senator from?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know of any committees that Mr. Sarbanes is on?

A I cannot answer that question on the grounds it may tend to incriminate me.



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MS. VAN GREDERS OFF the record.

[Discussion off the pacerd]

Q [By Me, Van Gelder] Have you ever made or directed to be made any contribution to Congresswoman Burke.

Ywonne Burke?

A L cannot answer that question on the grounds it may hand to incriminate me.

- Q Do you know William A. Burke?
- A A cannot appear that you the grounds it may tend
- Q Do you know if William A. Burke is employed by the OMNI-RX Health Systems or Health Care?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know a Paul Brown?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know if Mr. Paul Brown is employed by the OMNI-RX Health Care Systems or OMNI-RX Health Care, Incorporated?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know an entity called the Group VI Investments?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know of an entity called the Las Vegas Ranch Club?



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A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know of an entity called The light South Hawtherne Boulevard Association?

A I cannot answer that question on the grounds it may tend/to incriminate me.

Have you ever attended a political fund-raising function during the year 1974?

may tend to incriminate me.

Q Have you ever attended a political fund-raising function during the year 1975?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever attended a political fund-raising function during the year 1976?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever attended a political fund-raising function during the year 1977?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Although it's only January 23, have you ever attended a political function during the year 1978?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Just one more thing for the record, Dr. Dickstein.

Could you please tell me if you have any knowledge

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of an account on ed The Doctors Group Bank Accounts on systems at the Long Beach branch of Barmers and Merchants Bank?

I cannot answer that question on the grounds it may tend to incriminate me.

br. Dickstein, has there, to your knowledge, as a director of the OMNI-RX Health System, has there ever been an OMNI-RX Board Meeting which discussed making advances to the Imperial West Medical Group for the purposes of political contributions?

I cannot answer that question on the grounds it may tend to incriminate me.

As a partner in the Imperial West Medical Group has there ever been a partnership meeting which discussed making political contributions?

I cannot answer that question on the grounds it may tend to incriminate me.

> MS. VAN GELDER: Let's go off the record. [Discussion off the record]

MS. VAN GELDER: This is a check, No. 1159, of the Imperial West Medical Group from the Crocker National Bank, drawn on the Crocker National Bank, Lennox Office, Imperial Highway, Inglewood, California. Mark that Plaintiff's Exhibit 1.

> [Plaintiff's Exhibit No. 1 was marked for identification]

[By Ms. Van Gelder] Dr. Dickstein, could you please identify that check 1159?

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much.

[Examining]. It appears to be a check on the Imperial West Medical Group, No. 1159.

Okay. Do you recognize the signature at the bottom?

- A Yes.
- Could you please read the person's signature?
- It is my signature. A
- Could you please read the name? 0
- Edward Dickstein.
- Do you have any present recollection of making out that check?

I cannot answer that question on the grounds it Α may tend to incriminate me.

Q There is a notation at the top, a man's name. Could you please tell me whose name that is?

- It says M. Newell. Α
- And who is the check drawn out to? 0
- Democratic Convention Housing. Α
- Do you have any recollection of authorizing 0 Mr. Newell to go to the Democratic Convention?

I cannot answer that question on the grounds that Α it may tend to incriminate me.

MS. VAN GELDER: I have no more questions, Mr.

If you would like to --Gannon.

MR. GANNON: I do not want to cross-examine.

I have no questions.

MS. VAN GELDER: Dr. Dickstein, thank you very

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606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 9001.

the foregoing deposition was submitted men pickstsin, the witness, for examination, and was read by him, at time any changes which he desired to make were entered upon the deposition, and thereafter the deposition was signed by the witness before me.

Notary Public in and for the County of Los Angeles, State of California

My commission expires:



STATE OF CALIFORNIA COUNTY OF LOS ANGELES ]

Frank G. Hudgins, CSR No. 1438, a Notary Public for the County of Los Angeles, California, certify:

That the foregoing deposition of EDWARD DICKSTEIN was taken before me pursuant to Notice and Subpoena at the time and place herein set forth, at which time the witness was put on oath;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing deposition as typed is a true record of the testimony of the witness and of all objections made at the time of the examination.

IN WITNESS WHEREOF, I have subscribed my name and affixed my seal this 30th day of January, 1978.

OFFICIAL SEAL FRANK G. HUDGINS NOTARY PUBLIC - CALIFORNIA LOS ANGELES COUNTY Commission Expires Dec. 27, 1980 



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506 S. Olive Street, Suite 307-309, Los Angeles, Calif. 9001

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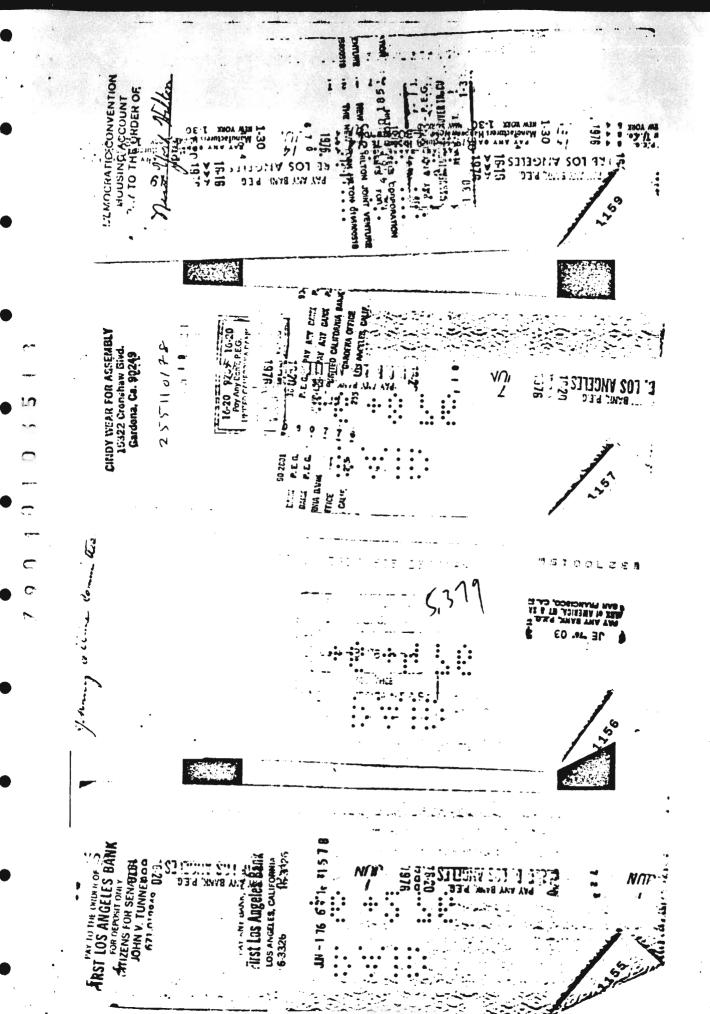
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# POLK COURT REPORTERS

606 So. Olive St. Suite 307 Los Angeles, Calif. 90014 Telephone (213) 625-7615

To: Federal Election Commission Attn: Biz Van Gelder, Attorney 1325 Kay Street Washington, D.C. 20463

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606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

OMNI-RX, EDWARD DICKSTEIN MERV NEWELL,

No. MUR 373 (76)

Respondents.

606 South Olive Street Suite 307 Los Angeles, California 90014

Monday, January 23, 1978 10:00 a.m.

Deposition of

EDWARD DICKSTEIN

Taken by:

BIZ VAN GELDER, ATTORNEY

Reported by:

FRANK G. HUDGINS, CSR No. 1438



Deposition of EDWARD DICKSTEIN, called as a witness by the Federal Election Commission, taken before Frank G. Hudgins, CSR No. 1438, a Notary Public in and for the State of California, County of Los Angeles, at 606 South Olive Street, Suite 307, Los Angeles, California, on Monday, January 23, 1978, at 10:00 a.m., pursuant to Notice and Subpoena.

#### APPEARANCES OF COUNSEL:

For the Federal Election Commission:

BIZ VAN GELDER, ATTORNEY Federal Election Commission 1325 Kay Street Washington, D.C. 20463 (202) 523-4175

For the Respondents:

HOCHMAN, SALKIN AND DEROY
By: RICHARD H. GANNON, ESQ.
9100 Wilshire Boulevard
Seventh Floor-West Tower
Beverly Hills, California 90212
(213) 273-1181

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# INDEX

# WITNESS

EXAMINATION

Edward Dickstein

[By Ms. Van Gelder]

## EXHIBITS

Page

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Plaintiff's Exhibit No. 1: A copy of a Crocker National Bank Check drawn on the Imperial West Medical Group Check No. 1159 signed by Edward Dickstein.



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### PROCEEDINGS

MS. VAN GELDER: This is a deposition in the matter of an investigation of the OMNI-RX Health Care, Incorporated. To be deposed is Dr. Edward Dickstein.

Dr. Dickstein is present --

THE WITNESS: Can I stop you just a second?

Was that the proper case, OMNI-RX Health Care?

It's OMNI-RX Health Systems.

MS. VAN GELDER: OMNI-RX Health Systems, here-inafter referred to as OMNI-RX.

Dr. Dickstein is present. Also present is his attorney, Mr. Richard Gannon. Present for the Federal Election Commission is Biz Van Gelder.

We are located at 606 South Olive Street, Los Angeles, California. Today's date is January 23. It's approximately 10:00.

#### EXAMINATION

BY MS. VAN GELDER:

Q Dr. Dickstein, if you would, raise your right hand.

Do you solemnly swear that the evidence and testimony you will give will be the whole truth and nothing but the truth so help you God?

- A I do.
- Q Could you please state your name for the record?
- A Edward Dickstein.



Can you give your home address, please. 223 South Bundy Drive, Los Angeles, California And your home phone number? Do you have a business address, sir? Yes. 4670 West Imperial Highway, Inglewood 90304. What is your present occupation? Do you have any business occupations, business offices; are you on the board of any directors? And with what corporations or enterprises? Edward R. Dickstein, M.D., Inc., of which I am the President, and I'm still on the Board of Directors Do you have any affiliation with OMNI-RX Health How about Imperial West Medical Group? I am a partner of that medical group. How long have you been a partner of that group? MR. GANNON: Dr. Dickstein, I'm instructing you pursuant to our previous conversation that we are going to

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it might incriminate you? You have to state the objection.

A Okay. I will not answer the question on the grounds that it might be self-incrimination.

MR. GANNON: All right.

Q [By Ms. Van Gelder] All right. You are a partner in the Imperial West Medical Group?

A Yes.

Q How many partners are there in the Imperial West Group?

A I cannot answer that question on the grounds it might tend to incriminate me.

Q Okay. Do you happen to know a man named Mr. Merv Newell?

A Yes.

Q Do you happen to know of a person with the name of Mr. Myron Koch, K-o-c-h?

A Yes.

Q Do you know him?

A Yes.

Q Is he a doctor?

A Yes.

Q Is he a partner in Imperial West?

A Yes.

Q How about Dr. Alvin Markovitz, M-a-r-k-o-v-i-t-z?

A Yes.

Q Dr. Scott?

A Yes.

Q Is Dr. Scott a partner at the Imperial West --



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A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know Dr. Kenneth Gider?

A Yes.

Q Is he a partner at the Imperial West?

A I cannot answer that question on the grounds it might tend to incriminate me.

Q Do you happen to know Dr. Grier, G-r-i-e-r?

A Yes.

Q Is he a partner at the Imperial West Medical Group?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q It won't incriminate you that Dr. Koch is a partner but it will incriminate you that the others are?

A That sounds argumentative.

Q Okay. Well, that's all right. Just answer the question.

You don't have to answer it on the grounds it might incriminate you.

How about Dr. Anetha Mitchell; do you know Dr. Mitchell?

A Yes.

Q I believe it's a she. Do you know if she is a partner in Imperial West Medical Group?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know what the address is of the



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Imperial West Medical Group?

THE WITNESS: Mr. Gannon, do I answer that?

MR. GANNON: Well, are you asking Dr. Dickstein what its present address is?

MS. VAN GELDER: Sure.

MR. GANNON: I don't believe it has a present address.

Q [By Ms. Van Gelder] Do you have its last known address?

A Its last known address was 11539 Hawthorne Boulevard, Hawthorne, California.

0 11 --

A 11539 Hawthorne Boulevard.

Q Do you happen to know what was housed at the address of 11616 South Hawthorne Boulevard?

A Yes.

O What was housed there?

A It was a Pix Restaurant and a Duffy's Bar and the headquarters of OMNI-RX Health Systems and OMNI-RX Health Care.

Q Would you please tell me what the difference is between OMNI-RX Health Systems and OMNI-RX Health Care? I don't know.

A OMNI-RX --

MR. GANNON: Why don't you object and we will go off the record.

A I cannot answer that question on the grounds it may tend to incriminate me.

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MR. GANNON: Let's go off the record for a second.
Mr. Reporter.

[Discussion off the record]

- Q [By Ms. Van Gelder] What is AV-EL, A-V E-L?
- A The question as stated has no meaning.
- Q Does the word or the appellation AV-EL mean anything to you?
  - A It's applied to several things.
  - Q Is it a medical partnership?
  - A Yes.
  - Q Are you a member of this partnership?
  - A Yes.
- Q Is Mr. Newell the business associate, the business manager of this partnership?

MR. GANNON: Are you asking us whether Mr. Newell is now the business manager of AV-El Medical Group?

MS. VAN GELDER: Yes. And, then, the second question will be has he ever been.

A The answer to the first is no. The second is, as an individual he is not. The business arrangement of the partnership was handled as part of the management contract with OMNI-RX Health Systems.

Q Okay.

When did you first become employed or under contract with OMNI-RX?

A I cannot answer that on the grounds that it may tend to incriminate me.

Q During your time with OMNI-RX you have been both

a physician and a director?

- A The question has no meaning.
- Q When you were at OMNI-RX you were under some sort of affiliation with OMNI-RX; was your position either solely in a manegerial position or were you also a doctor?

  THE WITNESS: Do you want me to answer that?

A I cannot answer that on the grounds it may tend to incriminate me.

Q [By Ms. Van Gelder] Do you happen to know,
Dr. Dickstein, if OMNI-RX Health Systems has ever maintained
an account at the Farmers and Merchants Bank, Los Angeles,
California?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know if the Imperial West Medical Group has ever had an account at the Crocker National Bank?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Okay. Do you happen to know Mr. Merv Newell?

MR. GANNON: Objection. The question has been asked and answered.

MS. VAN GELDER: It has, but I asked about partners.

Q [By Ms. Van Gelder] I don't believe I asked this question, whether Mr. Newell was ever the business manager of OMNI-RX Health Systems.

A I cannot answer that question on the grounds it

may tend to incriminate me.

Q Was Mr. Newell ever the business manager of Imperial West Medical Group?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Just as background, you have stated before that you were affiliated with OMNI-RX Health Systems. Is OMNI-RX Health Systems still a viable entity; is it still working, still fulfilling whatever contracts it had before?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q And is the Imperial West Medical Group still in existence?

A I cannot answer that question on the grounds it might tend to incriminate me.

Q Dr. Dickstein, have you ever issued a check from an Imperial West Medical Group checking account at the address of 11610 South Hawthorne Boulevard to Mr. Harry Sanders?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever, to the best of your knowledge, directed or had participation in any political contributions from the Imperial West Medical Group to any federal campaigns in the year of 1974?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever directed any political contributions

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to be paid or made any political contributions from a checking account at the Crocker National Bank to any political candidate or committee during the year 1975?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever made any contributions or directed any contributions to be made from the Crocker Bank to any political candidates or committees during the year 1976?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you any knowledge of a bank account at the Farmers and Merchants Bank, Long Beach, California, in the name of the OMNI-RX Health Systems IWMG Trust?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Are you familiar with a man named James Earl
Carter; have you ever heard of Mr. James Earl Carter, AKA
Jimmy Carter?

MR. GANNON: You can answer that.

A Yes.

Q [By Ms. Van Gelder] Have you ever made a contribution to Jimmy Carter?

A I cannot answer that question on the grounds it might tend to incriminate me.

Q Have you ever made a personal contribution to Jimmy Carter?

A I cannot answer that question on the grounds it may tend to incriminate me.

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It could only incriminate you if you were a Republican.

Do you know a person by the name of Bill Green?

A I cannot answer that on the grounds it may tend to incriminate me.

Q It might.

Have you ever attended a Breen Dinner Committee, or a Green Dinner, a dinner for State Senator Breen, I believe it is?

Α I cannot answer that on the grounds it may tend to incriminate me.

Have you ever attended any political or banquet Q for the Congressional Black Caucus?

I cannot answer that on the grounds it may tend to incriminate me.

Have you ever contributed to John Tunney?

Α I cannot answer that on the grounds it may tend to incriminate me.

0 Have you ever gone to any dinners or bought any tickets, fund-raising tickets for Senator Tunney?

I cannot answer that question on the grounds it may tend to incriminate me.

Have you ever made a check from the Imperial West Q Medical Group, 11616 South Hawthorne Boulevard, a check from the Crocker National Bank, to the Democratic Convention Housing for a hundred dollars?

I cannot answer that question on the grounds it may tend to incriminate me.



Q Have you ever made a contribution to the re-election of the late Senator Humphrey?

A I cannot answer that question on the grounds it may incriminate me.

Q Have you ever directed a contribution to be made?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever made a contribution or directed a contribution from any bank account to be made to the Andrew Young Campaign?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever made a contribution or directed a contribution to be made in your name to Paul Sarbanes, S-a-r-b-a-n-e-s?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know Mr. Sarbanes?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know what state Mr. Sarbanes is a Senator from?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know of any committees that Mr. Sarbanes is on?

A I cannot answer that question on the grounds it may tend to incriminate me.



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MS. VAN GELDER: Off the record.

[Discussion off the record]

Q [By Ms. Van Gelder] Have you ever made or directed to be made any contribution to Congresswoman Burke, Yvonne Burke?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know William A. Burke?

A I cannot answer that on the grounds it may tend to incriminate me.

Q Do you know if William A. Burke is employed by the OMNI-RX Health Systems or Health Care?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know a Paul Brown?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you know if Mr. Paul Brown is employed by the OMNI-RX Health Care Systems or OMNI-RX Health Care, Incorporated?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know an entity called the Group VI Investments?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know of an entity called the Las Vegas Ranch Club?



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A I cannot answer that question on the grounds it may tend to incriminate me.

Q Do you happen to know of an entity called The 11616 South Hawthorne Boulevard Association?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever attended a political fund-raising function during the year 1974?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever attended a political fund-raising function during the year 1975?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever attended a political fund-raising function during the year 1976?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Have you ever attended a political fund-raising function during the year 1977?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Although it's only January 23, have you ever attended a political function during the year 1978?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Just one more thing for the record, Dr. Dickstein Could you please tell me if you have any knowledge



of an account entitled The Doctors Group Bank Accounts On Systems at the Long Beach branch of Farmers and Merchants Bank?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q Dr. Dickstein, has there, to your knowledge, and as a director of the OMNI-RX Health System, has there ever been an OMNI-RX Board Meeting which discussed making advances to the Imperial West Medical Group for the purposes of political contributions?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q As a partner in the Imperial West Medical Group has there ever been a partnership meeting which discussed making political contributions?

A I cannot answer that question on the grounds it may tend to incriminate me.

MS. VAN GELDER: Let's go off the record.
[Discussion off the record]

MS. VAN GELDER: This is a check, No. 1159, of the Imperial West Medical Group from the Crocker National Bank, drawn on the Crocker National Bank, Lennox Office, Imperial Highway, Inglewood, California. Mark that Plaintiff's Exhibit 1.

[Plaintiff's Exhibit No. 1 was marked for identification]

Q [By Ms. Van Gelder] Dr. Dickstein, could you please identify that check 1159?

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A [Examining]. It appears to be a check on the Imperial West Medical Group, No. 1159.

Q Okay. Do you recognize the signature at the bottom?

A Yes.

Q Could you please read the person's signature?

A It is my signature.

Q Could you please read the name?

A Edward Dickstein.

Q Do you have any present recollection of making out that check?

A I cannot answer that question on the grounds it may tend to incriminate me.

Q There is a notation at the top, a man's name.

Could you please tell me whose name that is?

A It says M. Newell.

Q And who is the check drawn out to?

A Democratic Convention Housing.

Q Do you have any recollection of authorizing Mr. Newell to go to the Democratic Convention?

A I cannot answer that question on the grounds that it may tend to incriminate me.

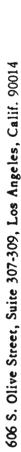
MS. VAN GELDER: I have no more questions, Mr.

Gannon. If you would like to --

MR. GANNON: I do not want to cross-examine.

I have no questions.

MS. VAN GELDER: Dr. Dickstein, thank you very much.



POLK COURT REPORTERS Cartified Deposition Notarios

606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

**Telephone 625-7615** 

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concluded.]

[Whereupon, at 10:40 a.m., the deposition was

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the foregoing deposition was submitted to EDWARD DICKSTEIN, the witness, for examination, and was read by him, at which time any changes which he desired to make were entered upon the deposition, and thereafter the deposition was signed by the witness before me.

Notary Public in and for the County of Los Angeles, State of California

My commission expires:



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I, Frank G. Hudgins, CSR No. 1438, a Notary Public for the County of Los Angeles, California, certify:

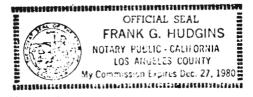
That the foregoing deposition of EDWARD DICKSTEIN was taken before me pursuant to Notice and Subpoena at the time and place herein set forth, at which time the witness was put on oath;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing deposition as typed is a true record of the testimony of the witness and of all objections made at the time of the examination.

IN WITNESS WHEREOF, I have subscribed my name and affixed my seal this 30th day of January, 1978.

Frank G. Hudgins, CSR No. /1438





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506 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

Certified Deposition Notaries

606 S. OLIVE ST., SUITE 307-309 LOS ANGELES, CALIF. 90014 TELEPHONE 625-7615



SIXTH STREET AT PERSHING SQUARE NINE MINUTES FROM L.A. INTERNATIONAL AIRPORT TO OUR HELISTOP MEMBERS: NATIONAL SHORTHAND REPORTERS ASSOCIATION
CALIFORNIA COURT REPORTERS ASSOCIATION
GENERAL COURT REPORTERS ASSOCIATION
OF LOS ANGELES COUNTY
LOS ANGELES CHAMBER OF COMMERCE
LOS ANGELES CONVENTION BUREAU
REFERENCES: MARTINDALE-HUBBELL
BANK OF AMERICA
CITY NATIONAL BANK

March 3, 1978

Biz Van Gelder, Atty. Federal Election Commission 1325 Kay Street Washington, D.C. 20463

Court & Number: Federal Election Commission No. MUR 373 (76)
Caption: Omni-RX, Edward Dickstein,
Merv Newell, Respondents.
Witness: Edward Dickstein &Merv Newell
Reported: January 23, 1978

Dear Ms. Van Gelder:

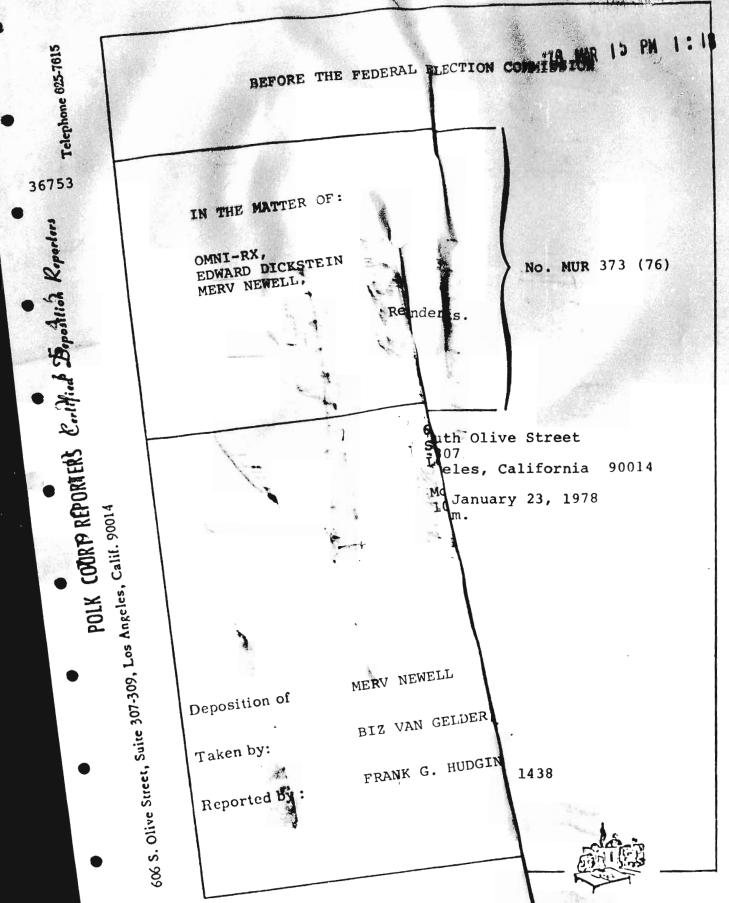
Please find enclosed the Original depositions of Edward Dickstein and Merv Newell in the above captioned matter. The witnesses were notified in writing on February 1, 1978 that their depositions were ready for correcting and signing and up to this time they have not done so. We are therefore forwarding them to you unsigned this date.

Very truly yours,

Richard Diamond Polk Court Reporters

cc: Richard H. Gannon, Esq. Polk file No. 36753





BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

OMNI-RX, EDVARD DICKSTEIN MERV NEVELL,

No. MUR 373 (76)

Renders.

on the olive Street

eles, California 90014

January 23, 1978

Deposition of

MERV NEWELL

Taken by:

BIZ VAN GELDER

Reported by:

FRANK G. HUDGIN

1438



606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

POLK COURT REPORTERS Carped

606 S. Olive Street, Suite 307-309, Los Angeles,

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Deposition of MERV NEWELL, called as a witness by the Federal Election Commission, taken before Frank G. Hudgins, CSR No. 1438, a Notary Public in and for the State of California, County of Los Angeles, at 606 South Olive Street, Suite 307, Los Angeles, California, on Monday, January 23, 1978, at 10:40 a.m., pursuant to Notice and Subpoena.

## APPEARANCES OF COUNSEL:

For the Federal Election Commission:

BIZ VAN GELDER, ATTORNEY Federal Election Commission 1325 Kay Street Washington, D.C. 20463 (202) 5523-4175

For the Respondents:

HOCHMAN, SALKIN AND DEROY
By: RICHARD H. GANNON, ESQ.
9100 Wilshire Boulevard
Seventh Floor-West Tower
Beverly Hills, California 90212
(213) 273-1181

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MERV NEWELL

Van Gelder]

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506 S. Olive Street, Suite 307-309, Los Angeles,

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EXHIBITS

Page Plaintiff 12 A check on the Imperial West Medical 2 No. Group, Crocker National Bank Check No.-1143 dated 5/3/76 ONNI-RX Health Systems Check 281 on 3 the Farmers & Merchants Bank dated A check on the Crocker National Bank 19 Imperial West Medical Group Check No. 1138 dated 4/26/76 19 An Imperial West Medical Group Check No. 1139 on the Crocker National Bank dated 4/26/76 An Imperial West Medical Group Check 21 6 No. 1153 on the Crocker National Bank dated 5/25/76 21 An Imperial West Medical Group Check No. 1154 dated 5/25/76 on the Crocker National Bank

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MS. VAN GELDER: This is a deposition in the matter of OMNI-RX Health Systems. To be deposed is Mr. Merv, M-e-r-v --

THE WITNESS: Yes.

MS. VAN GELDER: -- Newell, N-e-w-a-1-1.

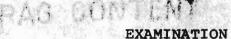
Mr. Newell is present. Also present is his attorney, Mr. Richard Gannon. Present for the FEC is Biz Van Gelder.

We are located at 606 South Olive Street, Los Angeles, California. Today's date is January 23. time is approximately 10:40 a.m.

Mr. Newell, will you please raise your right hand?

Do you solemnly swear that the evidence and testimony you are about to give will be the whole truth and nothing but the truth so help you God?

THE WITNESS: Yes.



### BY MS. VAN GELDER:

- Would you please state your full name. 0
- A Merv Newell.
- And your occupation? 0
- A Business Executive.
- Are you presently employed at this moment? Q
- A Yes.

606 S. Olive Street, Suite 307-309, Los Angeles,

		0	Mould, you plant toll se your plant of employ-
		most.	
1		<b>A</b>	467% West Imperial Righway, Inglewood, California
		<b>Q</b>	And where are you employed, sir?
36753	<b>3</b>	A	California.
	6	Q	No. The organisation.
8	. 7	<b>A</b>	Where?
3	8	Q	The organization.
	9	A	Oh, the organization.
G 6	10	Q	I'm sorry.
w 3	n	A	I am self-employed.
m 6	1_12	Q	You are self-employed.
0 8	13		How long have you been self-employed, sir?
- 8	14	A	Approximately four months.
c 2	15		
20014			I see. And where were you employed before then,
9 0 4 COURT III Calif. 90014	16	sir?	
0 8 3	17	Α	OMNI-RX Health Systems.
Toll ugeles	18	Q	And what was your title there?
	19	A	I was Executive Vice President.
Lø	20	Ω	And how long were you employed at OMNI-RX Health
-309,	21	Systems?	
307	22	A	Approximately six years.
Suite	25	Q	Do you own stock in OMNI-RX Health Systems?
¥	24	· A	Yes.
e Str	25	Q	What were your duties as Executive Vice President
S. Olive Street, Suite 307-309, Los A	26		what you said?
606 S.	27	A	Yes.
9			
	28	٥	Would you just give me a general description,

20				
		. (1	job descri	ption of what you did.
		•	<b>1</b>	I oversaw the day-to-day operations of the
	4	•	c rporation	on.
	7	•	Ω	Okay. Was there a Treesurer?
36	753	5	A	I believe so.
	3	6	0	Do you happen to know who that was?
		7	A	At what point in time?
	3	8	, Q	Between 1973 until the demise of OMNI-RX, when
		9	it went in	nto receivership, I should say.
່ເຄ	\$	10	A	I believe there were two.
ហ	3	n	Q	Could you please identify them by name?
m (	<u> </u>	12	A	Dr. Myron Koch.
0	2	13	Q	K-o-c-h?
-		14	<b>A</b>	K-o-c-h.
D	5	15	( , , Q ,	And?
₩ C	Calif. 9001	16	* A =	And I believe I might have been. I'm not too
0 6		17	certain of	it.
7		18	Q	You might have been. Okay.
	Angeles	19		To the best of your ability can you tell me
	F.	20	the time f	rame you might have been Treasurer?
1.10	309,	21	A	I don't recall.
	606 S. Olive Street, Suite 307-309, Los A	22	Q	Okay. What did you do before you worked for
	Suite	23	OMNI-RX?	
	leet,	24	A	I was a financial consultant.
	ve Sti	25	Q	Where?
Contract of the second	. Oli	26	<b>A</b>	Business and financial consultant.
	s 909	27		California.
		28	Q	For what institution or corporation, partnership?
	CASTURET IN TAKE	CHARLES OF THE PARTY OF	THE STATE OF THE S	하는 이 경기를 가는 것이 되었다. 그는 이 전에 가는 이 가는 이 사람들은 사람들이 가는 것이 되었다. 그는 사람들이 가는 것이 되었다. 그는 것이 없는 것이다.

606 S. Olive Street, Suite 307-309, Los Angeles,

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459-2481.

What area code is that, sir?

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Q

MR. GANNON: I don't paderstand your question, Ms. Van Gelder. MS. VAN GELDER: I just want to know a little background about where he worked before he worked for OMNI-RX. Do you want to repeat the question? [By Ms. Van Gelder] Where did you work before you worked for OMNI-RX? In California. I'm sorry. When I say where, I mean which organization, corporation, partnership, consulting firm. It was several. Could you give me the latest one, the one before OMNI-RX? I just don't recall. Okay. Excuse me. I might be repeating myself, but when did you start working for OMNI-RX? A It was in 19 -- early 1971. Could you give me the address of OMNI-RX? Q A Now? When you worked there. 2 A At the last -- the last address was 11616 South Hawthorne Boulevard, Hawthorne. Could you please give me your home address, 0 please? 1456 Lachman Lane, Pacific Palisades. A Q And your home phone number?

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A	211.
Q	Do you have a business phone?
A	Yes.
Q	Could I have the number, please?
A	213-678-1231.
Q	Were you ever on the Board of Birectors of
OMNI-R	Health Care or OMNI-RX Health Systems?
A	Yes.
Q	Which one, sir?
А	Both.
Q	During what period of time?
A	From 1971 in the case of OMNI-RX Health Systems
and, I	elieve, 1973 in the case of OMNI-RX Health Care.
Q	And have you ever had any affiliation with the
Imperia	West Medical Group? /;
	MR. GANNON: Would you elaborate on your question?
	MS. VAN GELDER: Surely.
Q	[By Ms. Van Gelder] Were you ever hired as a
full-ti	e or part-time consultant by the Imperial West
	Group, business consultant?
	MR. GANNON: By using the term "hire," are you
	MS. VAN GELDER: Did he ever receive a gratuity?
	MR. GANNON: Are you asking Mr. Newell whether
he was	ver employed as an employee by Imperial West
Medical	Group?
	MS. VAN GELDER: Yes.
A	The answer is no.
0	[Ry Ms. Van Gelder] Were you ever employed as

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A Again I'm having difficulty with the word "employed."

O Did you ever receive any financial remuneration or, financial reimburgement for services rendered of any kind by the Imperial West Medical Group?

- A Yes.
- O When?
- A I don't recall.
- Q During the year 1974?
- A I don't recollect.
- Q Buring the year 1975?
- A I don't recall which year I received remunera-
- Q Did you have any authority by the Imperial West Medical Group to draw checks from the Crocker National Bank?

MR. GANNON: I believe at this point in time Mr. Newell wishes to exercise his privilege under the Fifth Amendment of the United States Constitution and refuse to answer any question on the ground that the answers to the questions might tend to incriminate him.

MS. VAN GELDER: The answers to the questions might incriminate him in a pending criminal proceeding?

MR. GANNON: Yes.

MS. VAN GELDER: In a pending criminal proceeding?

MR. GANNON: Yes.

I'd like to make a statement for the record, if

506 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

I can, Ms. Van Gelder.

MS. VAN GRLDER: Sure.

MR. GANNON: I'd like to relievate what I stated before off the record, and that is that we regard this exercise today as the latest in a long series of events precipitated by the California Department of Corporations, which, as you know, commenced suit against us in December of 1976. During the course of this litigation, which has been bitter and protracted, we have been threatened on a number of occasions by personnel employed by the California Attorney General's Office and have been advised on a number of occasions that criminal investigations are pending.

MS. VAN GELDER: Could you, just for the record, say who the personnel is who advised you?

MR. GANNON: No, I will not do that.

MS. VAN GELDER: Okay.

Well, we will continue this exercise, then, and try to be brief.

[By Ms. Van Gelder] Mr. Newell, are you familiar with an entity which goes by the name Group VI Investments?

MR. GANNON: The proper way to state the objection, I believe, is "I refuse to answer on the ground it may tend to incriminate me."

I refuse to answer on the grounds it might incriminate me.

[By Ms. Van Gelder] Do you have any familiarity with an entity by the name of Las Vegas Ranch Club?



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The answer would be the same.

You have to state it out, please.

I refuse to enswer on the grounds it might incriminate me.

Are you familiar with an entity by the name of The 11616 South Hawthorne Boulevard Association?

I refuse to answer on the grounds it might A incriminate me.

Are you familiar with a man named Paul Brown?

I refuse to answer on the grounds it might incriminate Me.

How would that incriminate you? I mean I want a specific objection on some of these.

> MR. GANNON: Are you asking me a question? MS. VAN GELDER: No. I'm asking Mr. --Well, if you want to object for him. . . We can go off the record.

[Discussion off the record]

[By Ms. Van Gelder] Mr. Newell, are you familiar with the name Robert Higginbotham, H-i-g-g-i-nb-o-t-h-a-m?

MR. GANNON: Let's go off the record.

Let's go out in the hall.

[Brief recess taken]

[By Ms. Van Gelder] Do you know Robert Higgin-Q botham?

Yes. A

And how do you know him, sir? Q



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A He was a partner in Emperial west Medical Group and a medical doctor.

O Do you have any recollection of your asking

Mr. Higginbotham if he would like to make a contribution
to the Carper For President Committee?

A What's the saying? I refuse to answer on the grounds that it may incriminate me.

Q Okay. Do you have any recollection of making out a check to the Carter For President Committee under the name of Mr. Robert Higginbotham?

A I refuse to answer on the grounds it might incriminate me.

Do you have any recollection of Mr. Higginbotham verbally assenting to making a contribution in his name from the Imperial West Medical Group?

A I refuse to answer on the grounds it might incriminate me.

Q Mr. Newell, I'm going to show you this check from the Crocker National Bank, Check No. 1142 drawn from the Imperial West Medical Group account.

Mark this Exhibit 2, Plaintiff's Exhibit 2.

[Plaintiff's Exhibit No. 2 was marked for identification]

MS. VAN GELDER: Would you like to see this?

MR. GANNON: Yes. [Examining].

You said you wanted 1142, is that correct?

MS. VAN GELDER: Right.

Off the record.



	A	
	1	Discussion off the record!
	<b>2</b> 0	(By Ms. Van Gelder) Could you please identify
	the check	
J	d A	What is the question?
36753	g Q	The check here, No. 1142.
	•	What is the question, Ms
Ž.	7 Q	Could you identify the signature at the bottom
1	s righ-hand	side of the
	9 A	It appears to be my signature.
្ត គ	0	Okay, And that is the signature of Merv Newell?
in de 1	1 A	YÁSÍ
m J 1	2	Could you please tell us who the payee is?
	3 A	Imperial West Medical Group, payor.
	4 0 2	And it is made out to whom?
	5 A	Carter For President Committee.
9 0 4 <b>COURT</b> ECALIF. 9001	6 Q	And what is the notation on the upper left-hand
~ <b>3 3</b> 1	7 corner?	
POR 7	8 A	Myron Koch, partner.
	9 Q	No. No. You're looking at the wrong one, sir.
Suite 307-309, Los An	0 A	Which one do you want?
60 F. 2	a Q	1142, check 1142.
202	2 A	Oh, I'm sorry. Robert Higginbotham.
	8 Q	Okay.
je j	•	MR. GANNON: I'm sorry to interrupt, but let me
JS 2 2	interrupt	again and make another phone call, may I, please?
606 S. Olive Street,	6	MS. VAN GELDER: Sure.
969 2	7	Off the record.
3	•	[Brief recess taken]

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(By Ms. Van Gelder) SMr. Mewell, do you have any recollection of drawing that check on the imperial West Medical Group?

I refuse to answer on the grounds it may incriminate me.

- Can you tell me the date of that? Q Comments
  - April 26, 176.
  - Okay. April 26, '76?
  - Yes.

Q Mr. Newell, this is a check from the Parmers and Merchants Bank, Long Beach, California, OMNI-RX Health Systems, Imperial West Medical Trust, 5226 West Imperial Highway, Check No. 281.

The State of the S

[Plaintiff's Exhibit No. 3 was marked for identification]

MR. GANNON: [Examining].

[By Ms. Van Gelder] Mr. Newell, could you identify the check at the bottom of that page, Check No. 281?

A [Examining]. It appears to be a copy of a check on OMNI-RX Health Systems, IMMG Trust Account, 5220 West Imperial Highway, Los Angeles, California 90045, dated April 26, 1976, paid to the order of Imperial West Medical Group, \$6,000, and what appears to be my signature, and drawn on the Farmers and Merchants Bank, Long Beach, Pine at Third.

- Do you have any recollection of making that Q check out?
  - I refuse to answer on the grounds it may tend

MR. GANNON: Excuse me.

[Brief recess taken]

MS. VAN GELDER: What was my last question? [Record read]

[By Ms. Van Gelder] Mr. Newell, that check says it's from the Imperial West Medical Group Trust. Do you have any knowledge of who set that trust account up?

- A I refuse to answer.
- Okay: Do you have any knowledge of the purpose Q of that trust account?
  - I refuse to answer.
- Do you have any knowledge of where the money came from which set that trust account up?
  - I refuse to answer. A
- Do you have any knowledge of transfers of money from that trust account to the Imperial West Medical Group in order to make political contributions?
  - I refuse to answer.
- Have you aided or facilitated the making of more than \$16,000 in political contributions during the year 1974?
  - A I refuse to answer.
- Do you have any recollection; have you ever facilitated the making of political contributions in excess of \$13,000 during the calendar year 1975?
  - A I refuse to answer.
  - Do you have any knowledge or have you ever



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506 S. Olive Street, Suite 307-309, Los Angeles,

regilitated the making of pelitical contributions in excess of \$71,000 during the year 1976?

- I refuse to enswer.
- Mr. Newell, have you ever solicited political contributions from partners of the Imperial West Medical Group?
  - I refuse to answer.
- Okay. Specifically, have you ever solicited money from Dr. Robert Higginbotham?
  - I refuse to answer.
- Mr. Newell, did you go to the Democratic National Convention?
- I will show you what is Plaintiff's Exhibit 1. 0 It's a check from Edward Dickstein, Check No. 1159, Imperial West Medical Group.

Did the Imperial West Medical Group pay for your housing when you were at the Democratic National Convention?

- I refuse to answer. A [Examining].
- Can you shed any light on the purpose of that, that particular check?
  - A I refuse to answer.
- Okay. Mr. Newell, do you happen to know a man by the name of William Burke?
  - Yes. A
  - Would you tell me how you came to know this man? Q
  - I refuse to answer. A
  - Q Do you happen to know his relationship with

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Congresswoman Burke?

- A wi refuse to answer.
- Q to the best of your knowledge and ability have you ever facilitated in the making of a political contribution either personally or from the Emperial West Medical Group or from OMNI-RX to Congresswomen Burke?
  - A I refuse to answer.
  - Q As to all of those three?
  - A Yes.
- O Do you happen to have any knowledge of a man named Paul Sarbanes, S-a-r-b-a-n-e-s?
  - A Yes.
  - Q How do you know him?
  - A I refuse to answer.
- Q Have you ever facilitated the making of a political contribution to Mr. Sarbanes?
  - A I refuse to answer.
- Q Okay. Do you happen to know which committees
  Mr. Sarbanes is on?

- A No.
- Q Have you ever attended any political banquets or fund-raisers during the year 1976?
  - A I refuse to answer.
- Q Any political fund-raisers or banquets during the year 1975?
  - A I refuse to answer.
- Q Have you ever attended any political banquets or fund-raisers during the year 1974?



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refuse to answer.

And have you ever attended any political banquets or fund-raisers during the year 1978 to date?

I refuse to answer.

Mr. Newell, are you familiar with the term "Systems Manager"?

MR. GANNON: Are you asking him to define the term as used in that particular context or just to define the term?

> MS. VAN GELDER: Let's go off the record. [Discussion off the record]

MR. GANNON: Go ahead.

You want to repeat that question?

[By Ms. Van Gelder] Could you define what a Systems Manager is?

I don't believe I could in such a general broad context as that.

Have you ever been a Systems Manager in a management agreement between Imperial West Medical Group and OMNI-RX Health Systems where the health systems manages the financial and other administrative affairs of the partnership of Imperial West Medical Group?

MR. GANNON: Mr. Reporter, would you repeat that question.

[Pending question read]

I refuse to answer.

[By Ms. Van Gelder] Mr. Newell, if Dr. Higginbotham indicated to you that he wished to make a contribution

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506 S. Olive Street, Suite 307-309, Los Angeles,

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to a political candidate would you issue a wheck for whatever amount Dr. Higginbotham authorized from the Imperial West Medical Group account?

A I refuse to answer.

MS. VAN GELDER: I'd like to have this marked Plaintiff's Exhibit No. 4 and No. 5. They are Check Nos. 1138 and 1139 from the Imperial West Medical Group, 11616 South Hawthorne Boulevard, Hawthorne, California.

[Plaintiff's Exhibit Nos. 4 and 5 respectively were marked for identification]

- Q [By Ms. Van Gelder] I will show you Exhibits
  4 and 5.
  - A [Examining]. These two [indicating]?
    - Q Yes. We will take them individually.

Mr. Newell, could you please identify Exhibit 4 to me?

A It appears to be a check drawn on the Crocker National Bank, Imperial West Medical Group under date of April 26, '76, made out to Carter For President Committee with my signature.

- Q Whose notation is on the upper left-hand --
- A It says "Merv Newell, Business Manager."
- Q Do you have any recollection of making out that check?
  - A I refuse to answer.
- Q Did you have authority to make out a check under your name from the Imperial West Medical Group?

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I refuse to answer.

Could you identify Exhibit No. 5?

Appears to be a check drawn on the Crocker National Bank of Imperial West Medical Group, April 26, '76, payable to Carter For President Committee. It appears to be my signature.

- Q What was the amount, sir?
- The amount of the check is a thousand dollars.
- And whose name appears in the upper left-hand column?
  - Edward R. Dickstein, Partner.
- Q Do you have any recollection of asking Mr. Dickstein if he would like to make a contribution to the now President Carter?
  - I refuse to answer.
- Do you have any recollection of Dr. Dickstein giving his verbal or written authorization to make a contribution in his name to the Carter For President Committee from the Imperial West Medical Group?
  - A I refuse to answer.
- Q Do you have any recollection of making out that check?
  - A I refuse to answer.
- Q I've got about three more questions and two more documents.
- Okay. These will be Exhibits 6 and 7, Check Nos. 1153 and 1154 from the Imperial West Medical Group drawn from the Crocker National Bank.

Plaintiff's Exhibit Nos. 5 and 7 respectively were marked for identification]

THE WITNESS: [Examining].

[By Ms. Van Gelder] Mr. Newell, I realize this is tedious, but could you please identify Exhibit 6?

It's a check drawn on the Crocker National Bank of Imperial West Medical Group on May 25th, '76.

Who wis it made out to?

Carter For President Committee.

In what amount?

\$1 /000.

Whose signature is on the bottom right-hand corner?

It appears to be a copy of my signature. A

Q And whose name is in the upper left-hand corner?

"Cranford Scott, Partner." A

To the best of your knowledge or recollection did you ever solicit a contribution from Dr. Scott to the Carter For President Committee?

I refuse to answer.

To the best of your knowledge and recollection did Dr. Scott ever given any verbal or written authorization for you to make a contribution to the Carter For President Committee?

I refuse to answer. A

To the best of your recollection do you remember: making that check out?



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I refuse to answer.

Could you please identify Exhibit 77:

[Examining]. It appears to be a check drawn on the Crocker National Bank of Imperial West Medical Group.

Could you please tell me to whom it is made out and the amount?

Carter For President Committee for \$1,000.

And whose name appears at the bottom right-hand corner?

It appears to be my signature.

And whose name is on the upper left-hand corner? "Anetha Mitchell, Partner."

And to the best of your knowledge or recollection did you ever solicit a contribution on behalf of the Carter For President Committee from Dr. Mitchell?

I refuse to answer.

And to the best of your knowledge and recollection did Dr. Mitchell ever give any verbal or written authorization for you to make a contribution in her name to the Carter For President Committee?

A I refuse to answer.

And to the best of your knowledge and recollection do you remember making that check out?

I refuse to answer.

Mr. Newell, were you ever present at any Board Meeting of OMNI-RX which discussed making advances to the Imperial West Medical Group for political contributions?

I refuse to answer.



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Rave you ever sat in on any Imperial West Medical Group partnership meetings which discussed the making of such political contributions?

I refuse to answer.

MS. VAN GELDER: I have no more questions, Cross-examination?

MR. GANNON: No cross-examination.

I do want to make a statement for the record,

though.

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MS. VAN GELDER: Sure.

MR. GAMNON: During the course of the deposition I was shown a copy of a document purporting to be a deposition transcript of Dr. Higginbotham taken sometime during 1976.

I would like to ask of Ms. Van Gelder how she came to acquire a copy of that deposition transcript.

MS. VAN GELDER: I will find out. I believe a copy of this transcript was forwarded to me from the California Department of Corporations by our request.

MR. GANNON: I hate to examine you, but I would like to have this on the record.

Do you recall when that was forwarded to you? MS. VAN GELDER: As a matter of fact, there is no date stamp, and I have no present recollection.

MR. GANNON: All right. Thank you.

Was it after the initial referral by the Department of Corporations?

MS. VAN GELDER: Yes. Yes, it was



MR. GANNOW: So I take it it wasn't included in the original referral by the Department of Corporations?

MS. VAN GEEDER; No. I can tell you that we sent letters to the Department of Corporations pursuant to which I had a conversation on June 1st. It may have been forwarded after. It was pursuant to a letter that we had sent them on or about June 8th when we notified you of the reasons that the Commission found sanctions. And we asked for any additional information.

MR. GANNON: Thank you. I have nothing further.

MS. VAN GELDER: That wraps it up.

MR. GANNON: Mr. Reporter, I would like copies of these. You have my card, do you not?

THE REPORTER: Yes.

MR. GANNON: If you will mail them to me I will pay for them.

MS. VAN GELDER: And if you could be just as expeditious in your review and signing of the deposition it would be of great help to us.

[Whereupon, at 11:10 a.m., the taking of the deposition was concluded.]

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he foregoing deposition was submitted

to MERV MEWELL, the witness, for examination, and was read by him, at which time any changes which he desired to make were entered upon the deposition, and

thereafter the deposition was signed by the witness before me.

Notary Public in and for the County of Los Angeles, State of California

My commission expires:



# REPORTER IN CERTIFICATE

STATE OF CALIFORNIA ]
SS
COUNTY OF LOS ANGELES ]

I, Frank G. Hudgins, CSR No. 1438, a Notary Public for the County of Los Angeles, California, certify:

That the foregoing deposition of MERV NEWELL was taken before me pursuant to Notice and Subpoena at the time and place herein set forth, at which time the witness was put on oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing deposition as typed is a true record of the testimony of the witness and of all objections made at the time of the examination.

IN WITNESS WHEREOF, I have subscribed my name and affixed my seal this 30th day of January, 1978.

Frank G. Hudgins, CSR No. 1438

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OFFICIAL SEAL
FRANK G. HUDGINS
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expites Dec. 27, 1980

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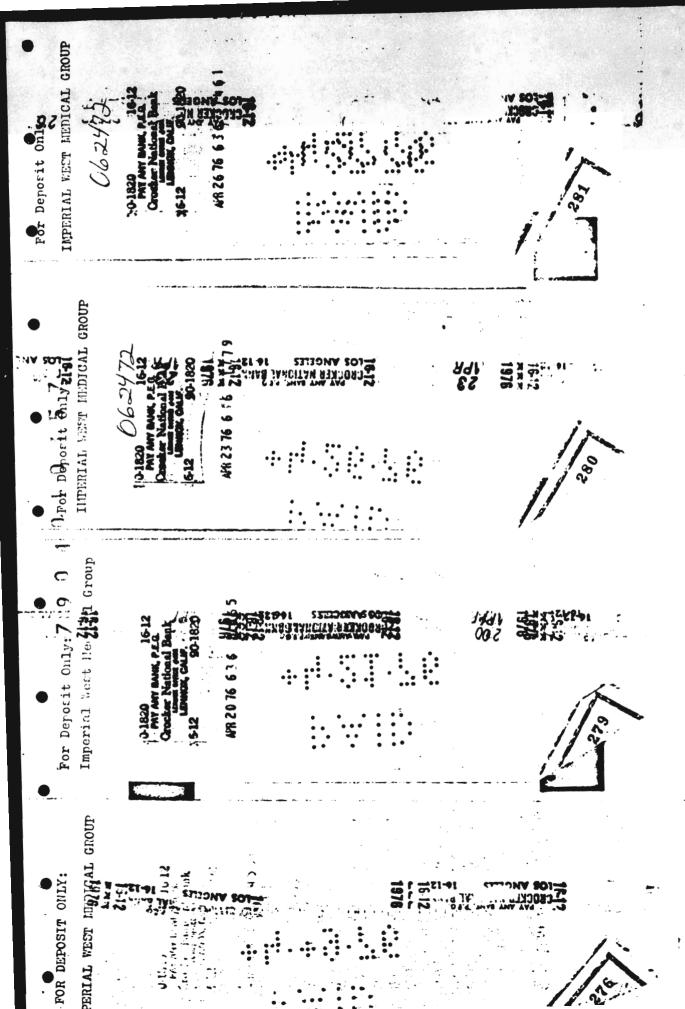
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## POLK COURT REPORTERS

606 So. Olive St. Suite 307 Los Angeles, Calif. 90014 Telephone (213) 625-7615

TO: BIZ VAN GELDER, ATTORNEY
Federal Election Commission
1325 Kay Street
Washington, D.C. 20463
(36753)

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### Polk Court Reporters

Certified Deposition Notaries

606 S. OLIVE ST., SUITE 307-309 LOS ANGELES, CALIF. 90014 TELEPHONE 625-7615



days.

SIXTH STREET AT PERSHING SQUARE NINE MINUTES FROM L.A. INTERNATIONAL AIRPORT TO OUR HELISTOP MEMBERS: NATIONAL SHORTHAND REPORTERS ASSOCIATION
CALIFORNIA COURT REPORTERS ASSOCIATION
GENERAL COURT REPORTERS ASSOCIATION
OF LOS ANGELES COUNTY
LOS ANGELES CHAMBER OF COMMERCE
LOS ANGELES CONVENTION BUREAU
REFERENCES: MARTINDALE-HUBBELL
BANK OF AMERICA
CITY NATIONAL BANK

February 1,1978

HOCHMAN, SALKIN & DeROY Attn: Richard H. Gannon, Esq. 9100 Wilshire Blvd. 7th Floor-West Tower Beverly Hills, Calif. 90212

Polk File No. 36753

Case No. MUR 373 (76)

Caption: IN THE MATTER OF: OMNI-RX
EDWARD DICKSTEIN, MERV NEWELL
Witnesses: MERV NEWELL & EDWARD

DICKSTEIN

Dear Mr. Gannon:

We are holding the Original deposition(s) of the above mentioned witness(es) in our office for 30

Please have the witness(es) contact our office at 625-7615 and make arrangements to read and sign the deposition(s) so that we may file with the appropriate court.

If we do not hear from the witness(es) within the designated 30 days we will file the Original deposition(s) unsigned.

Very truly yours, Dene Thurman /4 V

POLK COURT REPORTERS

cc:Van Gelder Polk File



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IN THE MATTER OF:

OMNI-RX, EDWARD DICKSTEIN MERV NEWELL,

No. MUR 373 (76)

Respondents.

606 South Olive Street Suite 307 Los Angeles, California 90014

Monday, January 23, 1978 10:40 a.m.

Deposition of

MERV NEWELL

Taken by:

BIZ VAN GELDER, ATTORNEY

Reported by:

FRANK G. HUDGINS, CSR No. 1438



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Deposition of MERV NEWELL, called as a witness by the Federal Election Commission, taken before Frank G. Hudgins, CSR No. 1438, a Notary Public in and for the State of California, County of Los Angeles, at 606 South Olive Street, Suite 307, Los Angeles, California, on Monday, January 23, 1978, at 10:40 a.m., pursuant to Notice and Subpoena.

### APPEARANCES OF COUNSEL:

For the Federal Election Commission:

BIZ VAN GELDER, ATTORNEY Federal Election Commission 1325 Kay Street Washington, D.C. 20463 (202) 523-4175

For the Respondents:

HOCHMAN, SALKIN AND DEROY By: RICHARD H. GANNON, ESQ. 9100 Wilshire Boulevard Seventh Floor-West Tower Beverly Hills, California 90212 (213) 273-1181

\* \* \*



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606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

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EXAMINATION

MERV NEWELL

[By Ms. Van Gelder]

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# 606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

### PROCEEDINGS

MS. VAN GELDER: This is a deposition in the matter of OMNI-RX Health Systems. To be deposed is Mr. Merv, M-e-r-v --

THE WITNESS: Yes.

MS. VAN GELDER: -- Newell, N-e-w-e-1-1.

Mr. Newell is present. Also present is his attorney, Mr. Richard Gannon. Present for the FEC is Biz Van Gelder.

We are located at 606 South Olive Street, Los Angeles, California. Today's date is January 23. The time is approximately 10:40 a.m.

Mr. Newell, will you please raise your right hand?

Do you solemnly swear that the evidence and testimony you are about to give will be the whole truth and nothing but the truth so help you God?

THE WITNESS: Yes.

### EXAMINATION

BY MS. VAN GELDER:

- Q Would you please state your full name.
- A Merv Newell.
- Q And your occupation?
- A Business Executive.
- Q Are you presently employed at this moment?
- A Yes.



(a) 10)			Pege 5
	1	Q	Would you please tell me your place of employ-
one 6	2	ment.	
eleph	3	A	4670 West Imperial Highway, Inglewood, California.
P	4	Q	And where are you employed, sir?
36753	5	A	California.
• arie	6	Q	No. The organization.
ns.	7	A	Where?
osition	8	Q	The organization.
•	9	A	Oh, the organization.
~ A	10	Q	I'm sorry.
is Jeff	11	A	I am self-employed.
• 3	12	Q	You are self-employed.
<u></u>	13		How long have you been self-employed, sir?
REPORTERS	14	A	Approximately four months.
● A	15	Q	I see. And where were you employed before then,
C ₩ 08	16	sir?	
COU	17	A	OMNI-RX Health Systems.
OLK les,	18	Q	And what was your title there?
P(	19	A	I was Executive Vice President.
Los	20	Q	And how long were you employed at OMNI-RX Health
-309,	21	Systems?	
307	22	A	Approximately six years.
Suite	23	Q	Do you own stock in OMNI-RX Health Systems?
• reet,	24	A	Yes.
POLK Olive Street, Suite 307-309, Los Angeles,	25	Q	What were your duties as Executive Vice President?
i. Oli	26	Is that wh	nat you said?
• 606 s.	27	A	Yes.
	28	Q	Would you just give me a general description,

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Q

California.

For what institution or corporation, partnership?

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MR. GANNON: I don't understand your question,
Ms. Van Gelder.

MS. VAN GELDER: I just want to know a little background about where he worked before he worked for OMNI-RX.

- A Do you want to repeat the question?
- Q [By Ms. Van Gelder] Where did you work before you worked for OMNI-RX?
  - A In California.
- Q I'm sorry. When I say where, I mean which organization, corporation, partnership, consulting firm.
  - A It was several.
- Q Could you give me the latest one, the one before OMNI-RX?
  - A I just don't recall.
- Q Okay. Excuse me. I might be repeating myself, but when did you start working for OMNI-RX?
  - A It was in 19 -- early 1971.
  - Q Could you give me the address of OMNI-RX?
  - A Now?
  - Q When you worked there.
- A At the last -- the last address was 11616 South Hawthorne Boulevard, Hawthorne.
- Q Could you please give me your home address, please?
  - A 1456 Lachman Lane, Pacific Palisades.
  - Q And your home phone number?
  - A 459-2481.
  - Q What area code is that, sir?



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<b>A</b>	213.
Q	Do you have a business phone?
A	Yes.

- Could I have the number, please? 0
- 213-678-1231.
- Were you ever on the Board of Directors of 0 MNI-RX Health Care or OMNI-RX Health Systems?
  - A Yes.
  - Which one, sir? 0
  - Both. A
  - During what period of time?
- Α From 1971 in the case of OMNI-RX Health Systems nd, I believe, 1973 in the case of OMNI-RX Health Care.
- Q And have you ever had any affiliation with the mperial West Medical Group?

MR. GANNON: Would you elaborate on your question? MS. VAN GELDER: Surely.

[By Ms. Van Gelder] Were you ever hired as a Q all-time or part-time consultant by the Imperial West edical Group, business consultant?

MR. GANNON: By using the term "hire," are you --

MS. VAN GELDER: Did he ever receive a gratuity?

MR. GANNON: Are you asking Mr. Newell whether e was ever employed as an employee by Imperial West edical Group?

MS. VAN GELDER: Yes.

- The answer is no.
- [By Ms. Van Gelder] Were you ever employed as

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### a consultant?

Again I'm having difficulty with the word "employed."

Q Did you ever receive any financial remuneration or financial reimbursement for services rendered of any kind by the Imperial West Medical Group?

- Yes.
- 0 When?
- A I don't recall.
- During the year 1974? Q
- I don't recollect. Α
- During the year 1975? Q

I don't recall which year I received remunera-Α tion.

Did you have any authority by the Imperial West Medical Group to draw checks from the Crocker National Bank?

MR. GANNON: I believe at this point in time Mr. Newell wishes to exercise his privilege under the Fifth Amendment of the United States Constitution and refuse to answer any question on the ground that the answers to the questions might tend to incriminate him.

MS. VAN GELDER: The answers to the questions might incriminate him in a pending criminal proceeding?

MR. GANNON: Yes.

MS. VAN GELDER: In a pending criminal proceeding?

MR. GANNON: Yes.

I'd like to make a statement for the record, if

606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 9001

I can, Ms. Van Gelder.

MS. VAN GELDER: Sure.

MR. GANNON: I'd like to reiterate what I stated before off the record, and that is that we regard this exercise today as the latest in a long series of events precipitated by the California Department of Corporations, which, as you know, commenced suit against us in December of 1976. During the course of this litigation, which has been bitter and protracted, we have been threatened on a number of occasions by personnel employed by the California Attorney General's Office and have been advised on a number of occasions that criminal investigations are pending.

MS. VAN GELDER: Could you, just for the record, say who the personnel is who advised you?

MR. GANNON: No, I will not do that.

MS. VAN GELDER: Okay.

Well, we will continue this exercise, then, and try to be brief.

Q [By Ms. Van Gelder] Mr. Newell, are you familiar with an entity which goes by the name Group VI Investments?

MR. GANNON: The proper way to state the objection, I believe, is "I refuse to answer on the ground it may tend to incriminate me."

A I refuse to answer on the grounds it might incriminate me.

Q [By Ms. Van Gelder] Do you have any familiarity with an entity by the name of Las Vegas Ranch Club?

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Q

-	Page 11			
A	The answer would be the same.			
Q	You have to state it out, please.			
A	I refuse to answer on the grounds it might			
incriminate	e me.			
Q	Are you familiar with an entity by the name			
of The 116	16 South Hawthorne Boulevard Association?			
A	I refuse to answer on the grounds it might			
incriminate	e me.			
Q	Are you familiar with a man named Paul Brown?			
A	I refuse to answer on the grounds it might			
incriminate	e me.			
Q	How would that incriminate you? I mean I want			
a specific	objection on some of these.			
	MR. GANNON: Are you asking me a question?			
	MS. VAN GELDER: No. I'm asking Mr			
	Well, if you want to object for him			
	We can go off the record.			
	[Discussion off the record]			
Q	[By Ms. Van Gelder] Mr. Newell, are you			
familiar w	ith the name Robert Higginbotham, H-i-g-g-i-n-			
b-o-t-h-a-1	b-o-t-h-a-m?			
	MR. GANNON: Let's go off the record.			
	Let's go out in the hall.			
	[Brief recess taken]			
Q	[By Ms. Van Gelder] Do you know Robert Higgin-			
botham?				
A	Yes.			

And how do you know him, sir?



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A He was a partner in Imperial West Medical Group and a medical doctor.

Q Do you have any recollection of your asking
Mr. Higginbotham if he would like to make a contribution
to the Carter For President Committee?

A What's the saying? I refuse to answer on the grounds that it may incriminate me.

Q Okay. Do you have any recollection of making out a check to the Carter For President Committee under the name of Mr. Robert Higginbotham?

A I refuse to answer on the grounds it might incriminate me.

Q Do you have any recollection of Mr. Higginbotham verbally assenting to making a contribution in his name from the Imperial West Medical Group?

A I refuse to answer on the grounds it might incriminate me.

Q Mr. Newell, I'm going to show you this check from the Crocker National Bank, Check No. 1142 drawn from the Imperial West Medical Group account.

Mark this Exhibit 2, Plaintiff's Exhibit 2.

[Plaintiff's Exhibit No. 2 was

marked for identification]

MS. VAN GELDER: Would you like to see this?

MR. GANNON: Yes. [Examining].

You said you wanted 1142, is that correct?

MS. VAN GELDER: Right.

Off the record.



	10		1, 2, 2, 2, 2, 2	Page 13
_	   Telephone 625-7615	1		[Discussion off the record]
	36 26	2	Q	[By Ms. Van Gelder] Could you please identify
	elepho	8	the check?	
	Ä	4	A	What is the question?
	36753	5	Q	The check here, No. 1142.
	Notaries	6	A	What is the question, Ms
	200	7	Q	Could you identify the signature at the bottom
	osition	8	righ-hand	side of the
`^	posi	9	A	It appears to be my signature.
Ó	Ä	10	Q	Okay. And that is the signature of Merv Newell?
1.0	ified	11	A	Yes.
	3	12	Q	Could you please tell us who the payee is?
0	S	13	A	Imperial West Medical Group, payor.
C	REPORTERS	14	Q	And it is made out to whom?
77	REPC	15	A	Carter For President Committee.
C	0	16	Q	And what is the notation on the upper left-hand
C	COURT	17	corner?	
	POLK	18	A	Myron Koch, partner.
	P(	19	Q	No. No. You're looking at the wrong one, sir.
	Los	20	A	Which one do you want?
	-309,	21	Q	1142, check 1142.
	307	22	A	Oh, I'm sorry. Robert Higginbotham.
	Suite	23	Q	Okay.
•	reet,	24		MR. GANNON: I'm sorry to interrupt, but let me
	806 S. Olive Street, Suite 307-309, Los Ang	25	interrupt	again and make another phone call, may I, please?
	S. OI	26		MS. VAN GELDER: Sure.
)	909	27		Off the record.
		28		[Brief recess taken]

Q [By Ms. Van Gelder] Mr. Newell, do you have any recollection of drawing that check on the Imperial West Medical Group?

A I refuse to answer on the grounds it may incriminate me.

- Q Can you tell me the date of that?
- A April 26, '76.
- Q Okay. April 26, '76?
- A Yes.
- Q Mr. Newell, this is a check from the Farmers and Merchants Bank, Long Beach, California, OMNI-RX Health Systems, Imperial West Medical Trust, 5226 West Imperial Highway, Check No. 281.

[Plaintiff's Exhibit No. 3 was marked for identification]

MR. GANNON: [Examining].

Q [By Ms. Van Gelder] Mr. Newell, could you identify the check at the bottom of that page, Check No. 281?

A [Examining]. It appears to be a copy of a check on OMNI-RX Health Systems, IWMG Trust Account, 5220 West Imperial Highway, Los Angeles, California 90045, dated April 26, 1976, paid to the order of Imperial West Medical Group, \$6,000, and what appears to be my signature, and drawn on the Farmers and Merchants Bank, Long Beach, Pine at Third.

Q Do you have any recollection of making that check out?

A I refuse to answer on the grounds it may tend



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to incriminate me.

MR. GANNON: Excuse me.

[Brief recess taken]

MS. VAN GELDER: What was my last question?

[Record read]

Q [By Ms. Van Gelder] Mr. Newell, that check says it's from the Imperial West Medical Group Trust. Do you have any knowledge of who set that trust account up?

A I refuse to answer.

Q Okay. Do you have any knowledge of the purpose of that trust account?

A I refuse to answer.

Q Do you have any knowledge of where the money came from which set that trust account up?

A I refuse to answer.

Q Do you have any knowledge of transfers of money from that trust account to the Imperial West Medical Group in order to make political contributions?

A I refuse to answer.

Q Have you aided or facilitated the making of more than \$16,000 in political contributions during the year 1974?

A I refuse to answer.

Q Do you have any recollection; have you ever facilitated the making of political contributions in excess of \$13,000 during the calendar year 1975?

A I refuse to answer.

Q Do you have any knowledge or have you ever



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facilitated the making of political contributions in excess of \$71,000 during the year 1976?

- I refuse to answer.
- 0 Mr. Newell, have you ever solicited political contributions from partners of the Imperial West Medical Group?
  - I refuse to answer.
- Okay. Specifically, have you ever solicited money from Dr. Robert Higginbotham?
  - I refuse to answer.
- Mr. Newell, did you go to the Democratic National Convention?
  - Α Yes.
- I will show you what is Plaintiff's Exhibit 1. It's a check from Edward Dickstein, Check No. 1159, Imperial West Medical Group.

Did the Imperial West Medical Group pay for your housing when you were at the Democratic National Convention?

- I refuse to answer. [Examining].
- Can you shed any light on the purpose of that, that particular check?
  - I refuse to answer.
- Okay. Mr. Newell, do you happen to know a man Q by the name of William Burke?
  - Α Yes.
  - Would you tell me how you came to know this man? Q
  - I refuse to answer. Α
  - Do you happen to know his relationship with Q

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### Congresswoman Burke?

- I refuse to answer.
- To the best of your knowledge and ability have you ever facilitated in the making of a political contribution either personally or from the Imperial West Medical Group or from OMNI-RX to Congresswoman Burke?
  - I refuse to answer. A
  - As to all of those three?
  - Yes. A
- Do you happen to have any knowledge of a man named Paul Sarbanes, S-a-r-b-a-n-e-s?
  - Α Yes.
  - How do you know him?
  - I refuse to answer. Α
- Have you ever facilitated the making of a Q political contribution to Mr. Sarbanes?
  - I refuse to answer.
- Okay. Do you happen to know which committees Mr. Sarbanes is on?
  - No.
- Have you ever attended any political banquets or fund-raisers during the year 1976?
  - I refuse to answer.
- Any political fund-raisers or banquets during the year 1975?
  - I refuse to answer.
- Have you ever attended any political banquets or fund-raisers during the year 1974?



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I refuse to answer.

And have you ever attended any political banquets or fund-raisers during the year 1978 to date?

I refuse to answer.

Mr. Newell, are you familiar with the term "Systems Manager"?

MR. GANNON: Are you asking him to define the term as used in that particular context or just to define the term?

> MS. VAN GELDER: Let's go off the record. [Discussion off the record]

MR. GANNON: Go ahead.

Α You want to repeat that question?

[By Ms. Van Gelder] Could you define what a Systems Manager is?

Α I don't believe I could in such a general broad context as that.

Have you ever been a Systems Manager in a management agreement between Imperial West Medical Group and OMNI-RX Health Systems where the health systems manages the financial and other administrative affairs of the partnership of Imperial West Medical Group?

MR. GANNON: Mr. Reporter, would you repeat that question.

[Pending question read]

I refuse to answer.

[By Ms. Van Gelder] Mr. Newell, if Dr. Higginbotham indicated to you that he wished to make a contribution

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to a political candidate would you issue a check for whatever amount Dr. Higginbotham authorized from the Imperial West Medical Group account?

I refuse to answer.

MS. VAN GELDER: I'd like to have this marked Plaintiff's Exhibit No. 4 and No. 5. They are Check Nos. 1138 and 1139 from the Imperial West Medical Group, 11616 South Hawthorne Boulevard, Hawthorne, California.

> [Plaintiff's Exhibit Nos. 4 and 5 respectively were marked for identification]

Q [By Ms. Van Gelder] I will show you Exhibits 4 and 5.

Α [Examining]. These two [indicating]?

Yes. We will take them individually. Q

Mr. Newell, could you please identify Exhibit 4 to me?

It appears to be a check drawn on the Crocker Α National Bank, Imperial West Medical Group under date of April 26, '76, made out to Carter For President Committee with my signature.

Whose notation is on the upper left-hand --Q

It says "Merv Newell, Business Manager." Α

Do you have any recollection of making out that Q check?

Α I refuse to answer.

Did you have authority to make out a check under your name from the Imperial West Medical Group?



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A I refuse to answer.

Could you identify Exhibit No. 5?

Appears to be a check drawn on the Crocker National Bank of Imperial West Medical Group, April 26, '76, payable to Carter For President Committee. It appears to be my signature.

What was the amount, sir?

The amount of the check is a thousand dollars.

And whose name appears in the upper left-hand column?

Edward R. Dickstein, Partner. A

Do you have any recollection of asking Mr. 0 Dickstein if he would like to make a contribution to the now President Carter?

I refuse to answer.

Do you have any recollection of Dr. Dickstein giving his verbal or written authorization to make a contribution in his name to the Carter For President Committee from the Imperial West Medical Group?

I refuse to answer.

Do you have any recollection of making out that Q check?

Α I refuse to answer.

I've got about three more questions and two more Q documents.

These will be Exhibits 6 and 7, Check Okay. Nos. 1153 and 1154 from the Imperial West Medical Group drawn from the Crocker National Bank.



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[Plaintiff's Exhibit Nos. 6 and 7
respectively were marked for
identification]

THE WITNESS: [Examining].

Q [By Ms. Van Gelder] Mr. Newell, I realize this is tedious, but could you please identify Exhibit 6?

A It's a check drawn on the Crocker National Bank of Imperial West Medical Group on May 25th, '76.

- Q Who is it made out to?
- A Carter For President Committee.
- O In what amount?
- A \$1,000.
- Q Whose signature is on the bottom right-hand corner?
  - A It appears to be a copy of my signature.
  - Q And whose name is in the upper left-hand corner?
  - A "Cranford Scott, Partner."
- Q To the best of your knowledge or recollection did you ever solicit a contribution from Dr. Scott to the Carter For President Committee?
  - A I refuse to answer.
- Q To the best of your knowledge and recollection did Dr. Scott ever given any verbal or written authorization for you to make a contribution to the Carter For President Committee?
  - A I refuse to answer.
- Q To the best of your recollection do you remember making that check out?



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A I refuse to answer.

Q Could you please identify Exhibit 7?

A [Examining]. It appears to be a check drawn on the Crocker National Bank of Imperial West Medical Group.

Q Could you please tell me to whom it is made out and the amount?

A Carter For President Committee for \$1,000.

Q And whose name appears at the bottom right-hand corner?

A It appears to be my signature.

Q And whose name is on the upper left-hand corner?

A "Anetha Mitchell, Partner."

Q And to the best of your knowledge or recollection did you ever solicit a contribution on behalf of the Carter For President Committee from Dr. Mitchell?

A I refuse to answer.

Q And to the best of your knowledge and recollection did Dr. Mitchell ever give any verbal or written authorization for you to make a contribution in her name to the Carter For President Committee?

A I refuse to answer.

Q And to the best of your knowledge and recollection do you remember making that check out?

A I refuse to answer.

Q Mr. Newell, were you ever present at any Board Meeting of OMNI-RX which discussed making advances to the Imperial West Medical Group for political contributions?

A I refuse to answer.



Q Have you ever sat in on any Imperial West

Medical Group partnership meetings which discussed the

making of such political contributions?

A I refuse to answer.

MS. VAN GELDER: I have no more questions.

Cross-examination?

MR. GANNON: No cross-examination.

I do want to make a statement for the record, though.

MS. VAN GELDER: Sure.

MR. GANNON: During the course of the deposition

I was shown a copy of a document purporting to be a deposition transcript of Dr. Higginbotham taken sometime during

1976.

I would like to ask of Ms. Van Gelder how she came to acquire a copy of that deposition transcript.

MS. VAN GELDER: I will find out. I believe a copy of this transcript was forwarded to me from the California Department of Corporations by our request.

MR. GANNON: I hate to examine you, but I would like to have this on the record.

Do you recall when that was forwarded to you?

MS. VAN GELDER: As a matter of fact, there is

no date stamp, and I have no present recollection.

MR. GANNON: All right. Thank you.

Was it after the initial referral by the Department of Corporations?

MS. VAN GELDER: Yes. Yes, it was.



MR. GANNON: So I take it it wasn't included in the original referral by the Department of Corporations?

MS. VAN GELDER: No. I can tell you that we sent letters to the Department of Corporations pursuant to which I had a conversation on June 1st. It may have been forwarded after. It was pursuant to a letter that we had sent them on or about June 8th when we notified you of the reasons that the Commission found sanctions. And we asked for any additional information.

MR. GANNON: Thank you. I have nothing further.

I suppose that wraps it up.

MS. VAN GELDER: That wraps it up.

MR. GANNON: Mr. Reporter, I would like copies of these. You have my card, do you not?

THE REPORTER: Yes.

MR. GANNON: If you will mail them to me I will pay for them.

MS. VAN GELDER: And if you could be just as expeditious in your review and signing of the deposition it would be of great help to us.

[Whereupon, at 11:10 a.m., the taking of the deposition was concluded.]

\* \* \*

DEPONENT



606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

On \_\_\_\_\_,19\_\_\_\_,

the foregoing deposition was submitted to MERV NEWELL, the witness, for examination, and was read by him, at which time any changes which he desired to make were entered upon the deposition, and thereafter the deposition was signed by the witness before me.

Notary Public in and for the County of Los Angeles, State of California

My commission expires:



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I, Frank G. Hudgins, CSR No. 1438, a Notary Public for the County of Los Angeles, California, certify:

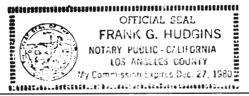
That the foregoing deposition of MERV NEWELL was taken before me pursuant to Notice and Subpoena at the time and place herein set forth, at which time the witness was put on oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing deposition as typed is a true record of the testimony of the witness and of all objections made at the time of the examination.

IN WITNESS WHEREOF, I have subscribed my name and affixed my seal this 30th day of January, 1978.

> Hudgins, CSR No. G.





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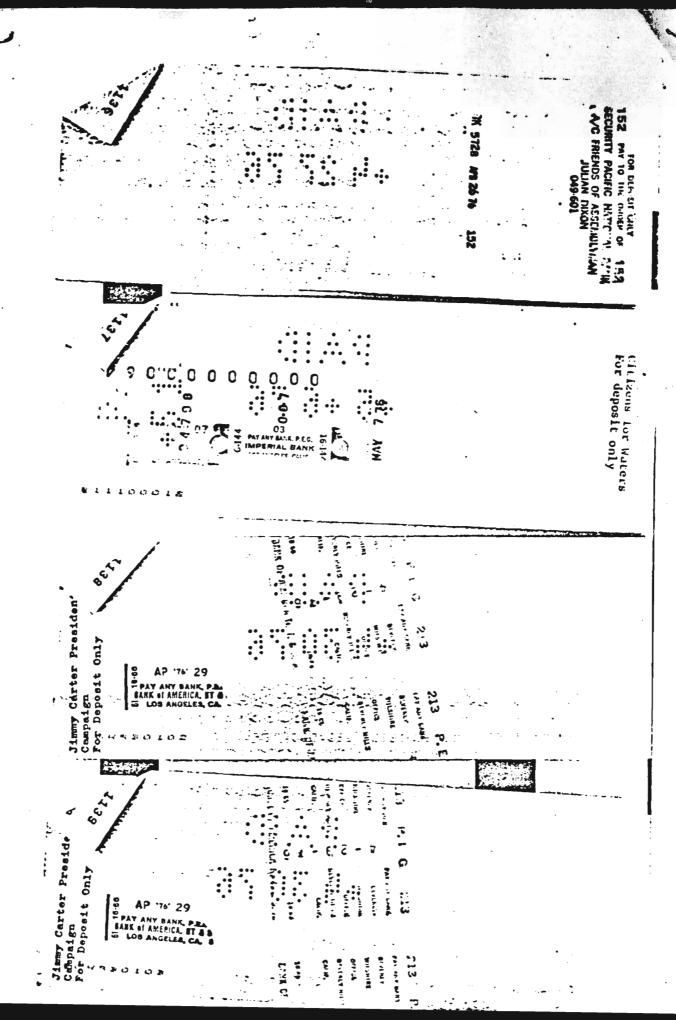
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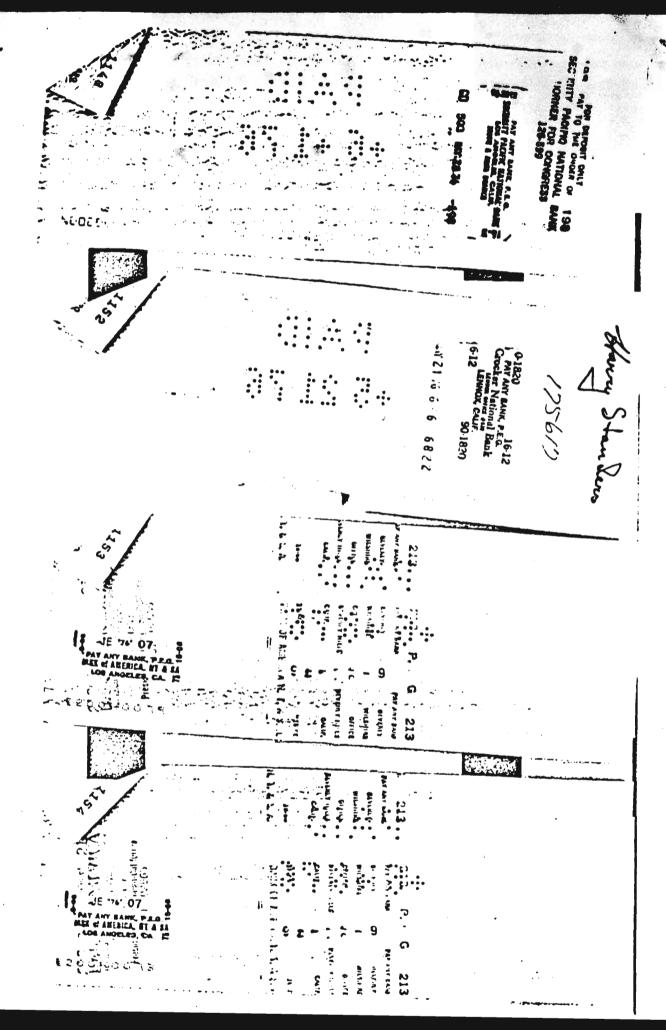
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-500 248. KRISSMAN & McGILVRAY Attorneys at Law Monte A. Krissman 9701 Wilshire Boulevard - Ninth Floor Alexander C. McGilvray, Jr. Beverly Hills, California 90212 (213) 278-9187 January 17, 1978 Federal Election Commission 1325 K Street, N.W. Washington, D.C. 20463 Attention: William C. Oldaker General Counsel MUR 373 (77) Re: Gentlemen: Enclosed are two original letters which were sent by your office by certified mail to Dr. Edward Dickstein and Mr. Merv Newell in care of Omni-Rx Health Systems. Please be advised that neither Dr. Dickstein nor Mr. Newell presently maintain an office at Omni-Rx. Therefore, all further correspondence should be directly sent to said individuals through their attorney, Mr. George DeRoy. 0 For your information, the envelope addressed to . Mr. Newell was inadvertently opened by the Omni-Rx staff because it could not be ascertained therefrom whether it pertained to Omni-Rx business or Mr. Newell's personal affairs. Very truly yours Alexander C. McGil∜ray, Jr. Attorneys for Monte A. Krissman, Special Master for Omni-Rx Health Systems ACM:nm encl. cc: George DeRoy, Esq.



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#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

January 5, 1978

Dr. Edward Dickstein Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Blvd. Hawthorne, California

Re: MUR 373 (77)

Dear Dr. Dickstein:

In furtherance of its investigation, in the above referenced matter, the Federal Election Commission has issued subpoenas requiring your appearance for a deposition on January 23, 1978. (The subpoena is enclosed herewith.)

Sincerely yours,

William C. Oldaker General Counsel

Enclosures

cc: George DeRoy

Hochman, Salkin and DeRoy

9100 Wilshire Blvd.

Seventh Floor - West Tower Beverly Hills, Calif. 90212



UNITED STATES OF AMERICA FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination

RE: MUR 373(77)

TO Mr. Edward Dickstein Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Boulevard Hawthorne, California

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(3), you are hereby subpoenaed to appear for deposition with regard to any and all contributions made by or through you on behalf of Omni-Rx and/or Imperial West Medical Group to political candidates and party related committees. Notice is hereby given that the deposition is to be taken at the offices of Polk Court Reporters, 606 South Olive, Suite #307, Los Angeles, California 90014 on January 23, 1978 at 10:00 a.m., and any and all adjournments then and there specified.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., this 52 day of January, 1978.

FOR THE FEDERAL ELECTION COMMISSION:

ATTEST:

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#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

POSTAGE AND FEES PAID



Dr. Edward Dickstein Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Blvd. Hawthorne, California



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#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

January 5, 1978

### CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Merv Newell Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Boulevard Hawthorne, California

Re: MUR 373(77)

Dear Mr. Newell:

In furtherance of its investigation, in the above referenced matter, the Federal Election Commission has issued subpoenas requiring your appearance for a deposition on January 23, 1978. (The subpoena is enclosed herewith.)

Sincerely yours,

William C. Oldaker General Counsel

Enclosures

cc: George DeRoy
Hochman, Salkin and DeRoy
9100 Wilshire Blvd.
Seventh floor - West Tower
Beverly Hills, Calif. 90212



UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination

RE: MUR 373(77)

TO Mr. Merv Newell
Imperial West Medical Group
11616 South Hawthorne Boulevard
Hawthorne, California

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pursuant to 2 U.S.C. §437d(a)(3), you are hereby subpoen

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WHEREFORE, the Chairman of the Federal Election

Commission has hereunto set his hand at Washington, D.C.

this 5 the day of January, 1978.

THOMAS E. HARRIS, Chairman for the Federal Election Commission

ATTEST:

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Marjana W. Commission

Secretary to the Commission

#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

POSTAGE AND FEES PAID



Mr. Merv Newell Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Boulevard Hawthorne, California





Krissman & McGilvray 9701 Wilshire Boulevard Ninth Floor Beverly Hills, Ca. 90212

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Federal Election Commission 1325 K Street, N.W. Washington, D.C. 20463

Mr. William C. Oldaker Attn:

General Counsel





#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

January 5, 1978

Mr. George DeRoy Hochman, Salkin, and DeRoy 9100 Wilshire Blvd. Seventh Floor - West Tower Beverly Hills, California

Re: MUR 373(77)

Dear Mr. DeRoy:

Enclosed are copies of subpoenas for the depositions of Dr. Edward Dickstein and Mr. Merv Newell which the Federal Election Commission issued today in furtherance of its investigation in the above captioned matter.

If you have any questions regarding the investigation, please call Ms. Biz Van Gelder, (telephone no. 202-523-4175) the attorney assigned to this matter.

Sincere y yours,

William C. Oldaker General Counsel

Enclosures



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#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

January 5, 1978

Dr. Edward Dickstein Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Blvd. Hawthorne, California

Re: MUR 373 (77)

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Sincerely yours,

William C. Oldaker General Counsel

Enclosures

cc: George DeRoy

Hochman, Salkin and DeRoy

9100 Wilshire Blvd.

Seventh Floor - West Tower Beverly Hills, Calif. 90212



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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination

RE: MUR 373(77)

TO Mr. Edward Dickstein
Omni-Rx Health Care Systems, Inc.
11616 South Hawthorne Boulevard
Hawthorne, California

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(3), you are hereby subpoenaed to appear for deposition with regard to any and all contributions made by or through you on behalf of Omni-Rx and/or Imperial West Medical Group to political candidates and party related committees. Notice is hereby given that the deposition is to be taken at the offices of Polk Court Reporters, 606 South Olive, Suite #307, Los Angeles, California 90014 on January 23, 1978 at 10:00 a.m., and any and all adjournments then and there specified.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., this day of January, 1978.

FOR THE FEDERAL ELECTION COMMISSION:

THOMAS E. HARRIS, Chairman

ATTEST:

Mayeria W. Emmons Secretary to the Commission



#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20463

January 5, 1978

### CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Merv Newell Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Boulevard Hawthorne, California

Re: MUR 373(77)

Dear Mr. Newell:

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Sincerely yours,

William C. Oldaker General Counsel

Enclosures

cc: George DeRoy
 Hochman, Salkin and DeRoy
9100 Wilshire Blvd.
 Seventh floor - West Tower
 Beverly Hills, Calif. 90212



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CHARLES COMMENTS

Mr. Mary Newell

Conni-St Health Care Systems, top.

11615 South Hewthorns uniformed

Hawthorns, California

Research (1908)

Dear Mr. Newell:

Sincerely yours,

Wilston C. Oldaker

#### Enclosures

cc: George DeBoy Hochman, Salkin and DeBoy 9100 Wilshire Blvd. Seventh floor - West Tower Beverly Hills, Calds, 90212



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## UNITED STATES OF AMERICA FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination RE: MUR 373(77)

TO Mr. Merv Newell
Imperial West Medical Group
11616 South Hawthorne Boulevard
Hawthorne, California

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WHEREFORE, the Chairman of the Federal Election

Commission has hereunto set his hand at Washington, D.C.

this 5 the day of January, 1978.

THOMAS E. HARRIS, Chairman for the Federal Election Commission

ATTEST:

Marjarie W. Commence.
Secretary to the Commission



#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20463

December 15, 1977

MEMORANDUM TO: CHARLES STEELE

FROM:

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O.

SUBJECT:

MARJORIE W. EMMONS MWE AUTHORIZATION TO ISSUE SUBPOENAS IN RELATION

TO MUR 373 (77)

The approval of all six Commissioners has been obtained regarding the issuance of subpoenas to Mr. Merv Newell and Dr. Edward Dickstein.



#### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20463

January 5, 1978

MEMORANDUM TO: CHARLES STEELE

FROM:

SUBJECT:

MARJORIE W. EMMONS TO WE Issuance of Subpoenas in Relation to MUR 373 (77)

The attached subpoenas, approved on December 15, 1977 by all six Commissioners, have been signed and sealed this date.

MEMORANDUM TO: Marge Emons

FROM: Elissa T. Gara

SUBJECT: MUR 373

Please have the attached Authorization to Issue Subpoenas circulated to the Commission for approval.

Thank you.

#### BEFORE THE FEDERAL ELECTION COMMISSION

#### Authorization to Issue Subpoenas

The Commission hereby authorizes the issuance of subpoenas to the following persons in connection with MUR 373(77).

ر ص Mr. Merv Newell Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Blvd. Hawthorne, California 90250

Dr. Edward Dickstein Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Blvd. Hawthorne, California 90250

Thomas Harris	Vernon Thomson
Date	Date
Joan Aikens	Robert Tiernan
Date	Date
Neal Staebler	William Springer
Date	Date

STATE OF CALIFORNIA



RECEIVED FEDERAL ELECTION COMMISSION

'77 SEP 9 PM 3:39

OFFICE OF THE ATTORNEY GENERAL

### Department of Justice

555 CAPITOL MALL, SUITE 350

SACRAMENTO 95814 (916) 445-9555

September 7, 1977

Ms. Biz Van Gelder Federal Election Commission 1325 K Street N.W. Washington, D.C. 20463

Dear Biz:

C

50.

The enclosed documents reflect the manner in which the "Omni-Rx" contributions were reported.

Please give me a call to advise of your itinerary for being in Los Angeles.

Very truly yours,

EVELLE J. YOUNGER Attorney General

JOHN A. GORDNIER

Deputy Attorney General

JAG:vdb Enc.

#### Memorandum

John Gordnier
Deputy Attorney General
Office of the Attorney General

Date: August 31, 1977

From : Secretary of State - DAVID B. PITMAN, Manager Political Reform Division

Subject: Information Requested Concerning Imperial West Medical Group Contributions

#### Photocopies of Title Page and Pertinent Schedules

Californians for an Effective Legislature

Dymally Dinner Committee

Berman Dinner Committee

McCarthy Dinner Committee

Hughes Testimonial Dinner

Curtis Tucker Campaign Committee

Friends of Assemblyman Dixon

Citizens for Waters

Johnny Collins Committee

Horner Election Committee

Cindy Wear Election Committee

Lt. Governor Dymally Election Committee

Friends of Paul Priolo

Bill Green for Senate

Theresa P. Hughes Birthday Dinner Committee

Cindy Wear for Assembly

United Democratic Campaign Committee

Committee for John Knox

#### Statements Filed Without Imperial West Medical Group Contributions

Democratic Victory '76
Hughes Testimonial Dinner (12/1/75)
Tunney for Senate
Greene Dinner Committee
Committee for Dellums Congressional Fund
Carter for President Committee (all dates)
Citizens for Senator John Tunney
Ron Dellums

#### Statements Not Filed

Moscone for Mayor United Democratic Finance Committee The Pasadena Urban Coalition John Gordnier August 31, 1977 Page Two

#### Statements Not Filed (continued)

Mayor Doris A. Davis Dinner/Dance Committee
Brotherhood Crusade/Black Unified Fund
Democratic Congressional Dinner Committee
California Democratic Party
California Workers Physicians Association
The Andrew Young Campaign
Robert J. Miller (Judge-Nevada)
Paul Sarbanes for Senate Committee
CBC Dinner
Committee to Re-elect Yvonne B. Burke
Thompson for Judge Committee
Humphrey

Please contact me if you have any questions.

Attachments

DBP:tf

9



## (Interim Form) COMMITTEE CAMPAIGN STATEMENT

100VERNMENT CODE SECTION 84200 84214)

Statement covers period from 7/1/75 through 12/31/75

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SCHEDULE A, FORM 420 or 4 (continued)

PART 2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT	COMULA
9, 19/75	Temkin, Ziskin, Kahn & Natzner 9465 Wilshire Blvd. Beverly Hills, Ca. 9021	C.P.A.	9465 Wilshire Blvd. Beverly Hills, Ca.	500	500
9/19/75	Freedman & Freedman 1301 Ave of Stars #911 Los Angeles, Ca. 90067	C.P.A.	1801 Ave. of Stars Los Angeles, Ca.	<b>5</b> 00	! 50x
9/19/75	Alex Sotomayor 435 E. First St. Los Angeles, Ca. 90022	Executive Director	Maravilla Social Service	<b>5</b> 0 î	500
2/19/75 <b>9</b>	Carlos J. Garcia 1530 S. Atlantic Blvd. Los Angeles, Ca. 90022	Attorney	1350 S. Atlantic Los Angeles, Ca.	500	500
% 19/75 10/1/75 0	C. Edward Dilkes 2443 Park Oak Dr. Los Angeles, Ca. 90068	Attorney	1000 Sunset Blvd. Los Angeles, Ca.	<b>37</b> 5 125	500
9, 19/75 <b>c</b>	Ross, Pierson & Letteau 701 W. Manchester Blvd. Inglewood, Ca. 90301	Attorneys	701 W. Manchester Inglewood, Ca.	1,250	1,250
§/19/75   C	The Irvine Co. 550 Newport Center Dr. Newport Beach, Ca. 9266		550 Newport Center Newport Beach, Ca.	1,250	1,250
2/19/75	Davlin Management Co. 4311 Wilshire Blvd. Eox 76930 Los Angeles, Ca. 90026	Rusiness Mynt.	4311 Wilshire Blvd. Box 76930 Los Angeles, Ca.	1,250	1,250
9 19/75	Inperial West Hed. Group 11616 S. Hawthorne Blvd. Hawthorne, Ca. 90250		11616 S. Hawthorne Hawthorne, Ca. 9025	1,250 o	1,250
9/19/73	Manning J. Post 450 Trousdale Pl. Beverly Hills, Ca. 90210	Executive	Europa Motors	500	500
Attach add	itional information on appropriately labeled contin		subtotals to line 3, part 3) \$	8,000	

\*if the contribution was made by an intermediary provide the information for both, the intermediary and the principal contributor.

PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

- 1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1) Include all Subtotals
- 2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized)
- 3. RECEIVED FROM OTHERS THIS PERIOD (Part 2) Include all Subtotals
- 4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized)
- 5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4. Enter this total on Line 1, Column B of Summary Page)

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Faire 420

# (Interim Form) COMMITTEE CAMPAIGN STATEMENT

In the efficient state of the State of California

(GOVERNMENT CODE SECTION 84200 84214)

Statement covers period from 15/20/75 through 1/1/16

MADCH FORG EU. Secretary of State

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F	of this statement and its schedules.	Vlum	A	Ill
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0 11/1 UNITED Medical PhARMACY

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N 11/24 ARTESIA Medicalilline,

TOTAL 3650=



## (Interim Form) COMMITTEE CAMPAIGN STATEMENT

(GOVERNMENT CODE SECTION 84200-84214)

Statement covers period from 10/1/75 through 12/31/75

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### SCHEDULE A, FORM 420 or 430 (continued)

RECEIVED FROM OTHERS: (See information manual for directions and examples)

ATE	FULL HAME AND ADDRESS (Street City, State) OF CONTRIBUTOR	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	JUMUD DMA:
11-12 75		Teacher	L.A. City Schools	50.00	5.
75	Sybil Brand 703 N. Rexford. Dr. Beverly Hills, CA 90210	None .		100.00	10
71-14 75	Imperial West Medical Grp. 11616 S. Hawthorne Blvd. Hawthorne, CA 90250			<b>60</b> 0.00	60
75 75	Hope M. Schecter 4435 Longridge Sherman Oaks, CA	Court Reporter	3055 Wilshire Blvd. LOs Angeles, CA 90010	200.00-	20
2 1-14 75 0	California Real Estate Assoc 505 Shatto Pl. Los Angeles, CA 90020		E.Thornton Ibbetson Treasurer 8555 Artesia Blvd. Bellflower, Ca. 90706	400.00	40
75 C				1000.00	100
11-14 C75	Franklin Kaye 1406 Allenford Los Angeles, Ca. 90049	Workers Comp. Judge		200.00	20
75		Accountant	6430 Sunset Blvd. Los Angeles, CA 90028	200.00	20
75 75	1	0wner	10000 Culver Blvd. Culver City, CA 90230	100.00	10
75		Attorney	1801 Century Park East Los Angeles, CA 90067	100.00	1
:250 253	nutros beledat vietoriacidas no noutros continuentos continuentos de contra con		Subtotats to line 3, part 3) S	2,950.00	

filt the contribution was made by an intermediary provide the information for both, the intermediary and the principal contributor.

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- 2. RECEIVED FROM COMMITTEES UNDER 550 THIS PERIOD (Not Itemized)
- 3. RECEIVED FROM OTHERS THIS PERIOD (Part 2) Include all Subtotals
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# (Interim Form) COMMITTEE CAMPAIGN STATEMENT

(GOVERNMENT CODE SECTION 84200.84214)
Statement covers period from 1/1/76 through 4/26/76

RECEIVED AND FILED

In the office of the Secretary of State of the State of California

JUL 6 1976

MARCH FONG EU, Secretary of State

Californi	ans for an Effective Legislature	746171		
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### SCHEDULE A, FORM 420 or 43 (continued)

PART 2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULAT
2/24/76	Heller Properties 244 California St. San Francisco, CA 94111			250	250
2/4/76	Stanley Herzstein 1170 Sacramento San Francisco, CA	Consultant	105 Montgomery San Francisco, CA	125	125
2/5/76	Hoffmann Co. P.O. Box 907 Concord, CA 94522			1,250	1,250
2/5/76 0	Investigation Officers of Clarence A. Holland 12434 Henzie Pl. Granada Hills, CA			250	250
<b>2/</b> 25/76	Jack Holland & Son, Inc. 799 Fletcher Lane Hayward, CA 94544			1,000	1,000
2/4/76	Joseph C. Foughtelling 5 Ferwood Dr. Atherton, CA 94025	Publisher	Los Gatos Publishing Co., Inc.	125	125
<b>2</b> /21./76	Jackson Hu & Associates 619 Clay St. San Francisco, CA 94111			125	125
2/19/76	Paul M. Hupf Frank B. Blum, Jr. 7316 Mission St. Daly City, CA 94104	Attorneys		250	250
2/18/76	Chandler Ide P.O. Box 415 St. Helena, CA 94574	Executive	Natoma Co.	250	250
2/25/76	Imperial W. Medical Group 11616 S. Hawthorne Blvd. Hawthorne, CA 90250			1,000	1,000
Attach add	itional information on appropriately labeled cont			4,625	

\* If the contribution was made by an intermediary provide the information for both, the intermediary and the principal contributor.

PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

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<sup>2.</sup> RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized)

<sup>3.</sup> RECEIVED FROM OTHERS THIS PERIOD (Part 2) Include all Subtotals

<sup>4.</sup> RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized)

<sup>5.</sup> TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4, Enter this total on Line 1, Column B of Summary Page)

amend



### COMMITTEE CAMPAIGN STATEMENT

(GOVERNMENT CODE SECTION 84200-84214)

Statement covers period from 1/30/76 through 4/26/76

RECEIVED AND FILED MAY 1 0 1976

MARCH FONG EU, Secretary of State

RESIDENTIAL ADDRESS OF TREASURER (No. AND SYNEET) (CITY) (SYNY) (INF CODE)  ROOM 230 Senator Hotel Sacramento, Calif. 95814 916-463-5744  United Sacramento, Calif. 95814 916-463-5744  United Sacramento, Calif. 95814 916-463-5744  United Sacramento, Calif. 95814 916-663-5744  United Sacramento, Calif. 95814 (1980) (APPLA CODE) (PHOME NO.)  United Sacramento, Calif. 95814 (1980) (APPLA CODE) (PHOME NO.)  ALLOCATION (PHIMARY GENERAL SPECIAL) DATE OF ELECTION (No. CAN. TR.) TOTAL PAGES OFFICIAL USE ONLY  ALLOCATION OF EXPENDITURES BY CANDIDATES AND MEASURES  (Allocate the totals of Schedules E and F by Candidates and Measures; Amounts may be rounded off to whole dollars)  CONCICIAL MASSURE AND BALLOT NUMBER OF LETTER  DATE OF EXPENDITURES BY CANDIDATE AND OFFICE NAME OF BALLOT OPPOSE  USE ONLY  MASSURE AND BALLOT NUMBER OF LETTER  DATE OF EXPENDITURES BY CANDIDATE AND OFFICE NAME OF BALLOT OPPOSE  USE OFFICIAL USE ONLY  DEPOSE  SUPPORT  OPPOSE  SUP	47th	Assembly District Fund		<b>7</b> 46299	me	
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Linda B, Muit  MANEOFFICATION  2 P.O. Box 1171  Loomis, Calif. 95650  P16-645-8177  Loomis, Calif. 95650  P16-645-8177  Loomis, Calif. 95814  P16-443-5744  SUBINITIAL ADDRESS OF TREASURER (NO. AND STREET) (CITY) (STATE)  LINE OR 11 LINE OCCUPANT (LINE OCCUPANT)  LINE OCCUPANT (L	1 - Room	230, Senator Hotel Sacra mento, Cal	if. 95814		916-443-57	744
NAME OF CANDIDATE AND OFFICE NAME OF BALLOT  USE ONT  AMAGUNE AND BALLOT NUMBER OF EXPORTED  CC  CC  ATTACH ADDITIONAL INFORMATION ON APPROPRIATELY LEBEED CONTINUATION SHEETS  VERRIERAD  A Condidate who controls a committee must disposed this statement and its schedules are true, correct and complete and that have used all reasonable diligence in their preparation.  Lecture of the controls a committee must disposed this statement and its schedules are true, correct and complete and that have used oil reasonable diligence in their preparation.  Executed on June 1	ADDRESS OF COM	MITTEE (NO. AND STREET) (CITY)	(STATE)	(ZIP CODE)	(AREA CODE)	(PHONE NO.)
2 P.O. Box 1171  Loomis, Calif. 95650  916-645-8177  RESIDENTIAL ADDRESS OF TREASURER (No. AND STREET) (CITY)  1 ROOM 230 Senator Hotel Sacramento, Calif. 95814  916-443-5744  BUSINESS ADDRESS OF TREASURER (No. AND STREET) (CITY)  Use 1 Line 2 Line 3 Other  CHECK APPLICABLE BOX FOR MAILING ADDRESS (If other, life Ms. and Street for F.O. Box), City, Siets and Lipe Code)  1 Primary  TYPE OF ELECTION (PRIMANY, GENERAL). SPECIAL)  DATE OF ELECTION (PRIMANY, GENERAL). SPECIAL)  ALLOCATION OF EXPENDITURES BY CANDIDATES AND MEASURES  (A) Location the totals of Schedules E and F by Candidates and Measures; Amounts may be rounded off to whole dollars)  CANCAL MASSURE AND BALLOT NUMBER OR LETTER  CHECK AMOUNT OF EXPENDITURES BY CANDIDATES AND MEASURES  (A) SUPPORT ON PROPOSE  SUPPORT OPPOSE  SUPPORT OPP						
RESIDENTIAL ADDRESS OF THE ABURER IND. AND SYNET. (CITY) (1974) (1976-006) (1970-14-43-5744)  BURINESS ADDRESS OF THE ABURER (190 AND SYNET) (CITY) (1970-15) (1970-006) (1970-1					1	
BOOM 230 Senator Hotel Sacramento, Calif. 95814  916-443-5744  916-643-5744  916-82 OFFICASURER (IN O. AND STREET (CITY) (INTR) (IN FOOD)  1 Une 1			956	50	916-645-817	77
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Use 1 Line 2 Line 3 Other  CHICK APPLICABLE BOX FOR MAILUNG ADDRESS (If other, list No. and Street (or P.O. Box), City, State and Zip Code)  1 Primary  Type of ELECTION (MILHAY, GENERAL, SPECIAL)  DATE OF CANDION (MILHAY)  TOTAL PAGES  OFFICIAL USE ONLY  NAME OF CANDIDATE AND OFFICE, NAME OF BAILOT  ONE  SUPPORT  OPPOSE  SUP			lif. 958	814	916-443-57	744
CHECK APPLICABLE BOX FOR MAILING ADDRESS (If other, lid No. and Street (or P.O. Bost), City, Street and Exp Code)  1 Primary  TYPE OF LECTION (PINARY, GENERAL, SPECIAL)  ALLOCATION OF EXPENDITURES BY CANDIDATES AND MEASURES  (Allocate the totals of Schedules E and F by Candidates and Measures; Amounts may be rounded off to whole dollars)  CANDIDATE  CHECK  MAKE OF CANDIDATE AND OFFICE, NAME OF BALLOT  USE ONLY  NAME OF CANDIDATE AND OFFICE, NAME OF BALLOT  OPPOSE  SUPPORT  OPPO			(STATE)	(ZIP CODE)	(AREA CODE)	(PHONE NO.)
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Adlocate the totals of Schedules E and F by Candidates and Measures; Amounts may be rounded off to whole dollars)  AMOUNT OF CANDIDATE AND DIFFICE. NAME OF BALLOT OPPOSE  SUPPORT OPPOSE  SUP	TYPE OF ELEC	TION (PRIMARY, GENERAL, SPECIAL) DATE OF ELECT	TION (MO., DAY, Y	R.) TOTAL	PAGES OFF	TCIAL USE ONLY
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Support OPPOSE  Support				SUPPORT	7	1
D Executed on 5/5/16 at Sacramento by Signature of TREASURER)  A candidate who controls a committee must also verify the campaign statement.  I declare under penalty of perjury that to the best of my knowledge this statement and its schedules are true, correct and complete and that I have used all reasonable diligence in their preparation.  Executed on 5/5/16 at Sacramento by Signature of TREASURER)  A candidate who controls a committee must also verify the campaign statement.  I declare under penalty of perjury that to the best of my knowledge this statement and its schedules are true, correct and complete and the treasurer of this committee has used all reasonable diligence in the preparation of this statement and its schedules.				OPPOSE	·	
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VERIFICATION  I declare under penalty of perjury that to the best of my knowledge this statement and its schedules are true, correct and complete and that I have used all reasonable diligence in their preparation.  Executed on 5/5/76 at Sacramento by Sacramento by Sacramento and its schedules are true, correct conditional statement.  A candidate who controls a committee must also verify the campaign statement.  I declare under penalty of perjury that to the best of my knowledge this statement and its schedules are true, correct and complete and the treasurer of this committee has used all reasonable diligence in the preparation of this statement and its schedules.				OPPOSE		
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I declare under penalty of perjury that to the best of my knowledge this statement and its schedules are true, correct and complete and the treasurer of this committee has used all reasonable diligence in the preparation of this statement and its schedules.	E	l				
F and its schedules.	-					
			s used all rea	sonable diligence in	the preparation	of this statement
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### SCHEDULE A, LORM 420 or 430 (Continued)

PART 7	- RICHVID IROM OHIERS: (See information manual for directions and examples)										
י ייףעור	City, Stole) OF CONTRIBUTOR *			RECLIVED	CIMUITATIVE AMOUNT						
3/12/7	Hollywood Park Trust Account P.O. Box 369 Inglewood 90306	- Horse Racing	Neil Papiano, Treas. 611 W. Sixth St. Ste. 1900 L.A. 900	\$250 17	\$250						
2/2/76	Dorothy J. Carter 3958 NcClung Drive Los Angeles 90008	Housewife	3958 McClung Drive Los Angeles 90008	\$200	\$200						
	Family S.vings & Loan Assoc. 3683 Crenshaw Blv os Angeles 90016	Savings &	Earl Grant, S & L executive	\$150	\$150						
3/18/7	Howard Banzett 16851 Edgewater Lanc Huntington Beach 92649	Business Executi	ALCOA ve 5151 Alcoa Ave. Vernon	\$100	\$100						
3/22/7	Transamerica Ins. Corp. Occidental Center Los Angeles	Insurance	T.W. Simons, Director, Public Affairs	\$400	\$400						
:/6/76	Carmon J. Rosado 330 M St., No. 29 Sacramento 95814	Housewife	330 N St., No. 29 Sacramento 95814	\$100	\$100						
1/2/76	B.A. DuCote P.O. Box 5194 Inglewood 90310	Physician	1833 E. Imperial Highway Los Angeles 90059	\$200	\$200						
3/15/7	Group 11616 S. Hawthorne Hawthorne 90250	.Medical Services	Merv Newell, Treasurer	\$1,000	\$1,000						
4/3/76	Pacific Outdoor Adv. P.O. Box 3159, Term Anne Los Angeles 90051	Advertisin k	James Sample, Treasurer	\$250	\$250						
Attach ad	ditional information on appropriately labeled contin	nuation sheets.		2 650 00							

SUBTOTAL (Carry with additional Subtotals to line 3, part 3) \$ 2,650.00

\* If the contribution was made by an intermediary provide the information for both the intermediary and the principal

PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and ex	camp	iles
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I	. RECEIVED	FROM	COWWILL	EES THI	S PERIC	DD (Pa	rt 1)								\$	·
2	. RECEIVED	FROM	COMMITT	EES UN	DER \$5	O THIS	PERIC	DD (	Nor	Item	ized	).				
3	RECEIVED	FROM	OTHERS 1	HIS PER	OD (Pa	rt 2)									•	

4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized) .

5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4,

Enter this total one Line 1. Column B of Summary Page).



SOAU

### (Interim Form) COMMITTEE CAMPAIGN STATEMENT



RECEIVED
AND FILED
the office of the Secretary of of the State of California APK 26 13/6

IGOVERNMENT CODE SECTION 84700-84214) Statement covers period from 1/30/76 hrough 4/26/76

VIII 465	tin	009	MARCH FONG EU,	Secretary of State
	CKER CAMPAIGN COMMITTEE	745-933	71.00	$\cdot$ $\cdot$ $\cdot$ $\cdot$ $\cdot$
756 N. I	nglewood Ave.#5 Inglewood, CA. 90302	I,D, NUMBER	213 672-	
HERMANIT	A V. BOBBITT	(ZIP CODE)	(AREA CODE)	(PHONE NO.)
756 N. I	nglewood Ave. #5 Inglewood, CA. 90302	•	213 672	-8160
	hester Blvd. Inglewood, CA. 90301	(ZIP CODE)	213 677-	1.188
LINE 1 L	SS OF TREASURER INO. & STREET) ICITYI ISTATEI INE 2 LINE 3 OTHER	IZIP CODE	(AREA-CODE)	(PHONE NO.) -
PRIMAR		20		
VEOF ELECTI	IN IPRIMARY, GENERAL, SPECIAL! DATE OF ELECTION MONTH, DA	Y, YEAR! TOTAL P	AGES OFFI	CIAL USE ONLY
~	OF EXPENDITURES BY CANDIDATES AND MEASURES stals of Schedules E and F by Candidates and Measures; Amou	nts may be rounded	off to whole do	llars)
OFFICIAL USE ONLY	NAME OF CANDIDATE AND OFFICE; NAME OF BALLOT MEASURE AND BALLOT NUMBER OR LETTER	CHECK ONE	AMOUNT OF EXPENDITURES THIS PERIOD	CUMULATIVE TO DATE
# 1 TO THE RESERVE TO	CURTIS R. TUCKER -Assemblyman 50th A		15,275.	22,941.
<u> </u>	VICTOR FAZIO-Assemblyman 4th AD	[] SUPPORT	-0-	500.
- Berner		TROPAUS []		
		TROPAUE		
F		SUPPORT  OPPOSE		
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	Attach additional information on appropriately labeled continuation sneets.			
	VERIFICATIO  I declare under penalty of perjury that to the best of my knowledge correct and complete and that I have used all reasonable dilig	ledge, this statemer	ration.	
	Executed onat		RE OF TREASURE	RI
	A candidate who controls a committee must also verify the call declare under penalty of perjury that to the best of my know correct and complete and the treasurer of this committee has a of this statement and its schedules.  Executed on 120 72 at 140 241 by	vledge this statemen	nt and its sched	lules are true, de preparation

### SCHEDULE A, FORM 420 or 430 (continued)

PART 2 - RECEIVED FROM OTHERS: (See Information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR*	OCCUPATION	SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE
/29/7	Vocational Nursing School of CA. 5429 McConnell Ave Los Angeles, CA 90066			100.	100.
5 ∕ <b>29</b> /76	Sanders, Tisdale, English Tooks & Williams 5900 Wilshire Blvd. L.A. 90036	Attorneys		600.	600.
3	Educational Management Advisers, Inc 1648 Wilshire Bl. L.A. 90017			∵ 200	200
<i>5</i> ~ 29√76	Melrose-LaBrea Hospital 711 Melrose Ave Hollywood, 90046			100.	100.
<b>√0</b> • 2 <b>9/</b> 76	W. N. Ricketts 4966 Maymont Dr. L. A. 90043	Physician	4966 Maymont Dr. L.A. 90043	200,	200.
2 <del>/</del> 76	Ca. Sports, Inc. 3900 Manchester P.O. Box 10 Inglewood, 90306	•		250.	250.
2 <b>/</b> 76	W. D. Collins Kennel 1970 San Juan Road Watsonville 95076			100.	100.
2/76	Robert J. Hall 3460 Wilshire Blvd. L.A. 90010	Sttorney		50.	50.
5/76	Imperial West Medical Group 11616 S. Hawthorne Blvd Hawthorne 90250			1,000.	1,000.
	Transmitted by Charles Manatt 1888 Century Park East L.A. 90067				
ittach addi	ditional information on appropriately labeled continu SUBTOTAL (Carry		Subtotals to line 3, part 3) \$	2,600.	

\* If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

-	DEALINED	F0011 0011		THIS PERIOD	(0 - 4)	1 1 - 4 11	C
1.	RECEIVED	FROM COM	M	THIS PERIOU	(Part II	include au	Subjoidies

5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4, Enter this total on Line 1, Column B of Summary Page)

\$ \_\_\_\_\_

<sup>2.</sup> RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized)

<sup>3.</sup> RECEIVED FROM OTHERS THIS PERIOD (Part 2) Include all Subtotals

<sup>4.</sup> RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized)



### (Interim Form) COMMITTEE **CAMPAIGN STATEMENT**

(GOVERNMENT CODE SECTION 84200-84214)

Statement covers period from 1/30/76 prough 4/26/76

RECEIVED

AND FILED
In the office of the Secretary of State
of the State of California

APR 2 9 1976

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Friends	of Assembly Julian Dixon	742163	Char
NAME OF CHAIL		I.D. NUMBER	1
12907 W.	Vernon Ave., Los Angeles, California	90008	213 295-4226
Patricia		IZIP CODE)	(AREA CODE) (PHONE NO.)
NAME OF TREAS		· · · · · · · · · · · · · · · · · · ·	
	oury Dr., Los Angeles, California 900	35	213 295-4226
RESIDENTIAL AD	ORESS OF THEASURER INO. & STREET) (CITY) (STATE)	(ZIP CODE)	IAREA CODE) (PHONE NO.)
32907 W. 1	Vernon Ave., Los Angeles, California	90008	213 295-4226
BUSINESS ADDRE	SS OF TREASURER INO. & STREET! (CITY) (STATE)	IZIP CODE)	IAREA CODEL IPHONE NO.1
	INE 2 LINE 3 OTHER		
Primary	BLE BOX FOR MAILING ADDRESS Ill other, list No. and Street for P.O. B	1 .	lO A
TYPE OF ELECTI	June 8, 1976 ON (PRIMARY GENERAL, SPECIAL) DATE OF ELECTION MONTH, C		
-	OF EXPENDITURES BY CANDIDATES AND MEASURES		
	otals of Schedules E and F by Candidates and Measures; Amo	unte may be rounded	off to what a dalla . A
(Anocate me to	orats of schedules E and P by Candidates and Measures, And	ounts may be rounded	off to whole dollars)
OFFICIAL USE CNLY	NAME OF CANDIDATE AND OFFICE; NAME OF BALLOT MEASURE AND BALLOT NUMBER OR LETTER	OHECK ONE	AMOUNT OF EXPENDITURES / CUMULATIVE THIS PERIOD / TO DATE
• #**		KROSSOS (2)	,
	Julica C. Dixon-State Assembly	[ OPPOSE	5335.36 5335.36
<b>3</b>		∰ SUPPORT ☐ OPPOSE	
FR. 1	Moretti Deficit Fund ID#747151 Gov.		1000 00 1000 00
	Winter Benin TD" 746363 Asset	SUPPORT OPPOSE	
	Victor Fazio ID# 746263 Assembly	SUPFORT	1000 00 1000 00
<b>a</b>	Ray Gonzales for Assembly TD# 744164	(C)	200 00 000
n	Kay Gonzales for Assembly the 134163	TACABNS (	300.00 300.00
£**		OPPOSE	1
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i		SUPPORT OPPOSE	
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		TROSSUE 320440	
	Attach additional information on appropriately labeled continuation sheets	5.	
	VERIFICATI	ON	
С	I declare under penalty of perjury that to the best of my know correct and complete and that I have used all reasonable dil	igence in their prepa	ration, -
D	Executed on 4/28/76 at Los Angeles, Caly	MACRECA	RE OF TREASURER)
i	A candidate who controls a committee must also verify the c	ampaign statement.	
E	I declare under penalty of perjury that to the best of my kno correct and complete and the treasurer of this committee has of this statement and its schedules.	wledge this statemen	nt and its schedules are true, dillgence in the preparation
F	Executed on 4/28/76 aLos Angeles Calby	ISIGNATUR	E OF CANDIDATE!

SCHEDULE A, FORM 420 or 43 (continued)

PART 2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIV AMOUNIT
1/20	AR-EX Jefferson Pharmacy 1760 W. Jefferson Los Angeles, Cal 90018	Pharmacy	1760 W. Jefferson Los Angeles	300.00	
420	West-Vern Pharmacy 4381 S. Western Ave Los Angeles, Cal 90062	Pharmacy	4381 S Western Ave Los Angeles 90062	<b>150.</b> 00	
4/23	Imperial West Medical G Group 11616 S. Hawthorne Blvd Hawthorne, Cal 90250	Group		<b>1,500.</b> 00	
4/23	Laurence University 26 W. Mission St. Santa Barbara, Cal 93101	University		150.00	
4/,22	Pacific Lighting Corp 810 S. Flower St. Los Angeles, Cal 90017	Corp.		200.00	
4/23	Calif. District Council A.F.S.C.M.E. #36 AFL CIC 730 S. Western #208 Los Angeles Cal 90005	Union		300.00	
4 <u>/23/</u>	Gene Ramos & Associates 2903 W. Vernon Ave Los Angeles, Cal 90008	Business man	2903 W. Vernon Ave Los Ängeles	300.00	
4/23	Calif. Producer-Handler Assoc. Milk Producers 13545 Euclid Ave Ontario, Cal 91761	Assoc.		\$600.00	
4/23	Tower Medical P.O. Box 72057 L.A. Galif. 90002	Medical		300.00	
				-	

Affact additional information on appropriately labeled continuation sheets

SUBTOTAL (Carry with additional Subtotals to line 3, part 3) S

\*If the contribution was made by an intermediary provide the information for both, the intermediary and the principal contributor.

PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

- 1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1) Include all Subtotals
- 2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized)
- 3. RECEIVED FROM OTHERS THIS PERIOD (Part 2) Include all Subtofals
- 4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized) 5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4,

17,810.00

\$10.050.00

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7,600.00

Enter this total on Line 1, Column B of Summary Page)

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## (Interim Form) COMMITTEE CAMPAIGN STATEMENT

IGOVERNMENT CODE SECTION 84200-84214)

Statement covers period from 3/1/76through 4/26/76

RECEIVED AND FILED

In the office of the Secretary of State of the State of California

APR 2 9 1976

MARCH FONG EU, Secretary of State

CITIZE	ENS FOR WATERS	760484	Lo, Secretary of State
	So. Broadway Los Angeles Ca	90003	(213) <b>753-</b> 2594
Sidney	Williams	(SIP CODE)	(AREA CODE) (PHI & NET E
	Altaloma Road, Apt. 11 Los Angeles, Ca		(213) 657-7657
	Western Ave., Los Angeles, Ca	90018	(AREA CODE) (PHONE NO.)
	ESS OF TREASURER INO. & STREET; ICITY) ISTATE!	1215 CODE)	1 (213) 735-1346
KILINE I TI	LINE 2 LINE 3 OTHER		
CHECK APPLICA	ABLE BOX FOR MAILING ADDRESS (II other, list No. and Sevent for P.O. Box	z), City, State and Zip (	•
o Primar	June 8, 1976	14	Α
	TION IPRIMARY, GENERAL, SPECIAL! DATE OF ELECTION MONTH, DA	AY, YEAR! TOTAL P	PAGES OFFICIAL USE ONLY
	OF EXPENDITURES BY CANDIDATES AND MEASURES totals of Schedules E and F by Candidates and Measures; Amoun		
OFFICIAL USE ONLY	NAME OF CANDIDATE AND OFFICE; NAME OF BALLOT MEASURE AND BALLOT NUMBER OR LETTER	CHECK ONE	AMOUNT OF CUMULATIVE TO DATE
N	Maxine Waters, Democrat, 48th A.D.	C) SUPPORT	\$12,178.92 \$12,178.92
<u> </u>		SUPPORT OPPOSE	
·		SUPPORT   OPPOSE	
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Special visitable or the Novel of Address		TROSQUE	
		SUPPORT OPPOSE	
	,	DEPOSE	
		SUPPORT	
		SUPPORT OPPOSE	
		SUPPORT OPPOSE	
	Attach additional information on appropriately labeled continuation sheets,		
	VERIFICATIO	אכ	
С	i declare under penalty of perjury that to the best of my knowledge correct and complete and that I have used all reasonable dilig	ledge/this statemer gence in their prepa	nt and its schedules are true, iration.
D	Executed on 4 29 / at	(SHGY) TU	ME OF TREASURERS
E	A candidate who controls a committee must also verify the can I declare under penalty of perjury that to the best of my know correct and complete and the treasurer of this committee has a	wledge this statemen	
F ·	executed on $\frac{4-29\cdot76}{2}$ at $\frac{4\cdot4\cdot6}{2}$ by	Mofun	e Waters

### SCHEDULE A, FORM 420 or 430 (continued)

RECEIVED FROM OTHERS: (See Information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR	OCCUPATION '	EMPLOYER (IF CONTRIBUTOR IS BELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT	CUMULATIVE
4/15	McClaney Properties aka Flagstone Guest Hav 128 South Beverly Glen	Real — en Estate		- 100.00	100.00
	Los Angeles, Ca				
4/15 m.	Stanley K. Sheinbaum 240 Bentley Circle Los Angeles, Ca	Self- Employed	(Same address)	500.00	1,000.00
4/15	Lloy Melvin Smith 633 Shatto Place Los Angeles, Ca	Attorney	(Sæme address)	700.00	700.00
4,418	Miles Rubin 77 Malibu Colony Malibu	Business- man	23440 Civic Center Way Malibu, Ca	<b>2</b> 00. <b>0</b> 0	200.00
4723 ,	Imperial West Medical Group 11616 S. Hawthorne Bl.	Health Care Delivery	(Same address)	500.00	500.00
ر د	Hawthorne, Ca				
4/23	Mr. Jim's Bar B Q Inc. 10303 S. Avalon Blvd Los Angeles, Ca	Restauran	c (Same address)	500.00	500.00
3/16	W. C. Chastain 2098 Cinch Road Bell Canyon,	Consultan	W. C. Chastain & Assoc. (Same address)	1,000.00	1,200.00
	Canoga Park, Ca		<u></u>	7 · · · · · · · · · · · · · · · · · · ·	-
ttach add	rtional information on-appropriately labeled contin	wal-on sheets		3,500.00	

If the contribution was made by an intermediary provide the information for both, the intermediary and the principal contributor.

SUBTOTAL (Carry with additional Subtotals to line 3, part 3) \$

PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1) Include all Subtotals	\$0-
2 RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized)	· -0-
3. RECEIVED FROM OTHERS THIS PERIOD (Part 2) Include all Subtotals	8,200.00
4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized) 10 70 1517	496.00

5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1+2+3+4, ....

Enter this total on Line 1, Column B of Summary Page)

8 696 00

Statement covers period from 4/27/7 Prough 5/24/76

### SCHEDULE A, FORM 420 or 430 (Continued)

PART 2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

PART 2	- RECEIVED FROM OTHERS: (See i	nformation ma	nual for directions and exa	mples)	
DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR *	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
4/24/	76 Minyonne C. Meigs 10210 So. McKinley Los Angeles 90002	lousewife	lo210 So. McKinley Los Angeles 90002	\$50	\$50
4/22/	6 United Transportation Union Cleveland, Ohio	Labor Union	John H. Shepherd General Secretary- Treasurer	\$500	\$500
0	Carolyn J. McBryde 4478 Via Marina, No.915 Marina del Rey 90291	Student		<b>\$</b> 50	\$50
·5/11/	6 Mitsubishi Internat'l. Corporation 555 S. Flower St., L.A. 90071	Develop- ment Corp	•	\$750	\$750
WO 27	Imperial West Medical Group 11616 So. Hawthorn Hawthorne 90250	Medical ne Services		\$500	\$500
, .	6 South Los Angeles Women's Democratic Club 2126 Longwood Ave. Los Angeles 90016	Political Group		\$100	\$100
5/13/	6 Richard O'Neill 26137 La Paz Mission Viejo 92675	Rancher	26137 La Paz Mission Vie <b>jo 9</b> 2679	\$1,000	\$1,000
5/19/	76 Keith Miller 1224 130th Street Gardena	Company Pres <b>i</b> den	Pacific Connecting t Devices, Inc. 1224 130th St. Gardena	\$1,000	\$1,000
4/30/76	Jewel McCann 4773 Miguel Drive Los Angeles 90008	!ousewife	4773 Don Miguel Dr Los Angeles 90008	\$50	\$50
Attach od	ditional information on appropriately labeled contin	uation sheets.	34.6	4 000 00	

SUSTOTAL (Carry with additional Subtotals to line 3, part 3) \$ 4,000.00

\* If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

### PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

- 2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized). . .
- 5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4,
  - Enter this total one Line 1, Column B of Summary Page).....

\$ \_\_\_\_

FEC Form 3 % figurary 1976
Federal Election Commission (325 K Street, N.W. Washington, D.C. 20463

# for a Candidate or Committee Supporting any Candidate(s) for Momination or Election to Federal Office

#### RECEIVED AND FILED

of the State of California

JUL 12 1976

75

_		NUMBER FOR EU	Secretary of State				
	Note: Committees authorized by a candidate to receive contributions and make expenditures in connect records with respect to each election, and file separate reports with respect to each election.	tion with more than one election	on must maintain sépara				
	Horner for Congress Committee	Identification Number 053864					
	(b) Address (number and street) 811 Aligal Court	3(a) Is this a report of a candidate Committee?  (b) If "Yes," for which elections are considered.	Ves DNo				
	(c) City, State and ZIP code Santa Monica, Ca., 90402	General, Primary, Runof	on June 8				
	4 Type of Repart (Check appropriate box and complete, if applicable)  (a)  Amendment (c)  July 10 report  (b)  April 10 Report (d)  October 10 report	(e)					
-	(h) [] Tenth day report precedingelection on	_ in the state of					
	(i) M Thirtieth day report following Primary election on 6-8-76 (primary, general or convention) (date)	in the state of Calif	ornia				
1	Committee Summary of Receipts and Expend	ditures					
	5 Covering Period: From 5-25-76 Through 6-28-76		,				
-	Section A - Cash Balance Summary	Calumn A This Period	Column B Calendar Year-To-Dat				
	6 Clish on hard January 1, 1976		s 0				
	7 Cash on hand at beginning of reporting period	s 26,310.24	- Name and Address of the State				
	8 Aud total receipts (from line 19)						
	(a) Subtogui.		s104,231.16				
	9 Subtract total expenditures (From line 24)	. 46,113.92	\$103,781.41				
	10 Cash on hand at close of reporting period	s 449.75	s 449.75				
	11 Contributed items on hand to be liquidated (attach itemized list)	···-					
	Section B - Expenditures Subject to Limitation Summary (Candidates and Authorized Candidate Committees Only)						
	12 Operating expenditures (from line 20)	s	s				
	13 Less Refunds and Rebates (from line 17)		s				
1	14 (a) Expenditures subject to limitation	s ·	s				
	(b) Expenditures from prior years subject to limitation		s				
	(c) Total expenditures subject to limitation		s				
	I certify that I have examined this Report, and to the best of my knowledge and belief it is true, corr	ect and complete.	7-8-76				
-	(Signature of Treasurer or Candidate)  Note: Submission of false, erroneous, or incomplete information may subject the person signing this	Report to the penalties of 2 U	(Date)				
,	(text on reverse side of form).  For further Federal Election Commission						

1325 K Street, N.W.

Washington, D.C. 20463

inform .tion

Contact:

### Schedule A

January 1976 Flederal Election Commission 1325 K Street, N.W. Washington, D.C. 20463

### Comibutions, Ticket Purchases, Lowis, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

Page 1 of 1 for LINE NUMBER \_ 15(a)

(Use separate schedule(s) for each numbered line).

Full	Spring, moiting address and ZIP code		Dute (month,	Amount of each
	Imperial West Medical Grou 11616 S. Hawthorne Blvd. Hawthorne, Calif., 90250	day, year)	receipt this period	
Princ	pal place of business	Occupation		
	11616 S. Hawthorne Blvd.	Physicians ·	5-26-76	500.00
	Hawthorne, Calif., 90250	☑ Check if Contributor is self-employed		
-		Aggregate Year-to-Date . ,		
Full	Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Page	pal place of business	Occupation		
1	part participation of districts	Occupation		
		Check if Contributor is self-erraployed		
		Aggregate Year-to-date ▶ \$		
Full	देवताल, multing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
		•		
Princi	pul place of business	Occupation		
		[ Check of Contributor is self-employed		
-		Aggregate Year-to date S	Microsoft St. 1 C. St. Co.	
Fullif	Gine, mining address and ZIP code	(A) vigite rear to take	Date (month, day, year)	Amount of each
	·		Gay, year)	receipt this perion
Prince	gial place of business	Occupation		
		Check if Contributor is self-employed	.	
		Aggregate Year-to date		
Full I	lame, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Princi	pal place of business	Occupation		
			Photo or remains area	
		Check if Contributor is self employed  Aggregate Year-to-date		
Full N	ame, mailing address and ZIP code	- Aggregate veol to date	Date (month, day, year)	Amount of each receipt this period
Princip	par place of business	Occupation		
		Check if Contributor is self-employed  Aggregate Year-to-date		
	tal of receipts this page (entire all)			s
Subte				

### Statement covers period from 5/25/76 rough 8/5/76

### SCHEDULE A, FORM 420 or 430 (Continued)

PART 2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

PART 2	- RECEIVED FROM OTHERS: (See in	nformation ma	nual for directions and exam	nples)	
DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR *	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
5/27/76	Pierpont Laidley 2975 Wilshire Blvd. #600 Los Angeles 90010	Attorney	2975 Wilshire Blvd. Los Angeles 90010 #600	\$300`	\$300
5/21/76	John H. Leahy 20410 S. Leapwood, #2c Carson 90746	Judicial Commis⊊ion	(ounty of Los Angeles er	<b>\$</b> 200	\$200
5/21/76	Andrew A. Roque 240 S. Garfield Ave. Monterey Park 91754	Physicia	n 240 S. Garfield Monterey Park 91754	\$150	* \$150
5/2/76	Frederick M. Nicolas 9454 Wilshire Blvd. Beverly Hills 90212	Attorney	9454 Wilshire Blvd Beverly Hills 9021	\$500	\$500
6/2/76 C	Imperial West Medical Grilo16 S. Hawthorne Blvd. Hawthorne 90250	o. Medica Services		\$500°	\$1,000
6/2/76	M & O Advertising 545 S. Atlantic Blvd. Los Angeles 90022	Automobi. Adverti		\$100 ,	\$100
5/27/75	Hollywood Trust 611 W. Sixth, Ste. 1900 Los Angeles 90017	Racetrac	(S	\$300	\$300
5/28/7	Cerrell Associates, Inc. 5967 W. 3rd St. Ste.302	Public Relations	3	\$170.	\$170
5/20/76	Edward R. Broida 2222 Corinth Ave. Los Angeles 90064	Feal Estai Developmen	e 2222 Corinth Ave. Lo: Angeles 90064	\$1,000	\$1,000
Attach edd	itional information on appropriately labeled continu	uation sheets.			
	SUBTOTAL (Carry with	additional Sul	ototals to line 3, part 3) \$	<b>3</b> ,220.00 i	

\* If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

### PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

1.	RECEIVED	FROM	COMMIT	ITEES	THIS P	ERIO	) (Pa	rt 1)						• .			\$	
2.	RECEIVED	FROM	COMMIT	ITEES	UNDER	\$50	THIS	PER	OD	(No	t It	emiz	ed)					-
3.	RECEIVED	FROM	<b>OTHERS</b>	THIS	PERIOD	(Part	2)											

4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized)

5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4)

Enter this total one Line 1, Column B of Summary Page). .



### (Interim Form) COMMITTEE **CAMPAIGN STATEMENT**

AND FILED In the effect of the first hard of State of the China of China a

AUG 12 1975

IGOVERNMENT CODE SECTION 64200 842141

Form 420	Statement covers period from 5/25/76 roug	MARCH FONG EU, SELF LEY OF SLATE
CINDY WEAR FOR ASSEM	BLY COMMITTEE 260	0002

15519°CF	enshaw Blvd., Gardena, California 90	249	213-679 2517
ADDRESS OF CO.	MALTTEE 140. AND STHEETS ICITY) STATES	ZIP CODE!	TAREA CODEL TPHONE NO I
Rick Tay	lor		
_		0034	none
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	BLE BOX FOR MAILING ADDRESS IN other. Int No. and Street for P.O. Box),		da;
	ION IPRIMARY GENERAL, SPECIAL! DATE OF ELECTION INDICTH, DAT		GES OFFICIAL USE ONLY
MIOCATION	OF EXPENDITURES BY CANDIDATES AND MEASURES		
=	otats of Schedules E and F by Candidates and Measures; Amount	s may be rounded	off to whole dollars)
OFFICIAL OSE ONLY	NAME OF CANDIDATE AND OFFICE; NAME OF BALLOT MEASURE AND BALLOT NUMBER OR LETTER	CHECK ONE	EXPENDITURES. THIS PERIOD?
	CINDY WEAR, STATE ASSEMBLY 53rd Dist.	30040 K	7,523.00 \$15,579.
		11004408 [] 320440 []	
		C) SUPPORT	
	AND RESIDENCE AND ADDRESS OF THE PROPERTY OF T	[] OPPOSE	
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A SECURE AND ADDRESS OF THE PERSON OF THE PE	To the second se	☐ OPPOSE	
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	Attach additional information on appropriately labeled continuation sheets.		
	. , VERIFICATION		
С	I declare under penalty of perjury that to the best of my knowle correct and complete and that I have used all reasonable dilige 8-12-76 Gardena, Ca.	edge, this statemen	t and its schedules are true, ation.
D	Executed on 8-12-76 at Gardena, Ca. by	ILA CONATO	RE OF THEASURER)
	A candidate who controls a committee must also verify the cam		
E	I declare under penalty of perjury that to the best of my knowl correct and complete and the treasurer of this committee has us	edge this statemen	nt and its schedules are true, diligence in the preparation
F	of this statement and its schedules.	$\rho$	I do
r	Executed on 8-12-76 at Gardena, Ca. by	illida.	LLYCAL

ICITY AND STATE)

### SCHEDULE A, FORM 420 or 430 (continued)

PART 2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIV AM:JUNT
5/29/76	Jeff S. Wald-Helen Red 9120 Sunset Blvd. Los Angeles, Ca.	dy Wald Singer, Agent	9120 Sunset Blvd. Los Angeles, Ca.	\$ 250.00	3 250.00
5/2/76	Eve E. Pontius 6661 Vista Del Mar, #1 Playa del Rey, Ca.	Housewife	•	50.00	50.00
5/27/.76	Rita D. Walters 1256 So. Hauser Bl. Los Angeles, Ca.	Educator		<b>50.0</b> 0	50.00
6/4/76	Paula Siegel 6429 Spear St. San Diego, Ca.	 Activist	6429 Spear St. San Diego, Ca.	50.00	50.00
<b>6/4/</b> 76	Douglas Chapin 15 Charleston Park Dr. Houston, Texas	Environmen Engineer	tal Bectal Corp.	20.00	520.00
5/3/76	Pamela S. Duffy 204 The Strand Manhattan Beach, Ca.	Student	California Democratic Party	90.00	150.00
6/2/76		Managing Director	The Hartley Group	75.00	175.00
<b>6/</b> 4/76		Consultant	Cindy Wear for Assembly	100.00	175.00
6/5/76	Imperial West Medical 11616 So. Hawthorne Bl Hawthorne, Ca.			500.00 /	500.00
	Fdward Asner c/o Sain & Synder 1880 Century Park East	Actor	The Mary Tyler Moore Show	50.00	50.00
Afraco addition	்புற்குள்ளாக விறைவிகர் Tabeled contin	nuation sheets	Subtotals to line 3, part 3) \$	1,235.00	

<sup>\*</sup>If the contribution was made by an intermediary provide the information for both, the intermediary and the principal contributor.

#### PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

- 1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1) Include all Subtotals
- 2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized)
- 3. RECEIVED FROM OTHERS THIS PERIOD (Part 2) Include all Subtotals
- 4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized)
- 5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4, Enter this total on Line 1, Column B of Summary Page)

\$ 350.00 0.00 2,030.00 904.00

\$3,284.00



### COMMITTEE CAMPAIGN STATEMENT

(GOVERNMENT CODE SECTION 84200-84214)

RECEIVED
AND FILED
In the office of the Secretary of State of the State of California

SEP 2 4 1976

Statement covers period from 8/6/76 through 9/20/76

		14	en rong Ed, Se	cretary of State
CURT	TIS TUCKER CAMPAIGN COMMITTEE	745-933	rie,	7-27
TAME OF COMMIT	TEE	I.D. NUMBER	0	- 1
1. 756 N.	INGIEWOOD AUE 5 INGIEWOOD CA	90302	2/3 -	672-8160
		(ZIP CODE)	(AREA CODE)	(PHO" . L NO.)
HER MA	ONIFA V. BOBBITT	<u> </u>		
2 756 N.	ING/ELLOS AUE \$5 ING/ELLOS CA DRISS OF TREASURER (NO. AND STREET) (CITY) (STATE)	90302	213-6	72-8160 (PHONE HO.)
JUSINESS ADDRE	CHOSTER BIND P.O. BOX 6500 ING/EWOOD CA	. 9030/	2/3-6	27-1188 (PHONE NO.)
	line 2 Line 3 Other	,	(IIII 0001)	(**************************************
	BLE BOX FOR MAILING ADDRESS (If other, list No. and Street (or P.O. Box), City,	State and Zia Code)	1	
	NERAL 11-2-96	/3	2	
	ECTION (PRIMARY, GENERAL, SPECIAL) DATE OF ELECTION (MO., DA			FICIAL USE ONLY
(35.1.2.1				1101112 032 01121
	OF EXPENDITURES BY CANDIDATES AND MEASURES stals of Schedules E and F by Candidates and Measures; Amount	s may be rounded of	f to whole doll	ars)
OFFICIAL USE ONLY	NAME OF CANDIDATE AND OFFICE; NAME OF BALLOT MEASURE AND BALLOT NUMBER OR LETTER	CHECK	AMOUNT OF EXPENDITURES	CUMULATIVE TO DATE
Married			THIS PERIOD	
~	CURTIS R. TUCKER - ASSEMBLYMAN	SUPPORT		
-	CURITS K. TUCKER - HSSEMSTYMAN	SUPPORT		
15 to 15	50 Th A. D.	SUPPORT OPPOSE	5004	50011
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	ATTACH ADDITIONAL INFORMATION ON APPROPRIATELY LABELED CO	ONTINUATION SHEETS		
	VERIFICATION	v		
C	I declare under penalty of perjury that to the best of my know and complete and that I have used all reasonable diligence in t	ledge this statement o	and its schedule	s are true, correct
D	Executed on 9/21/76 at ING/ENTER by	Hermanto	URE OF TREASURER	bbitt
E	A candidate who controls a committee must also verily declare under penalty of perjury that to the best of my known	wledge this statement	and its schedule	
F	and complete and the treasurer of this committee has used all rand its schedules.	reasonable diligence in	i the preparatio	n of this statement
F	- 9/2/2/ TNC/6	Curt to	W	Lucy by

RECEIVED FROM OTHERS: (See information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
	IMPERIAL WEST MEDICAL GROUP 11616 S. HAWTHORNE BID.	1			
ह/22/%		1	1	2000-	4
8137140	WARREN LANE PROPERTIES				
,	422 WARREN LANE	1	1	. 1	1
8/27/7/2			1	200-	
	SAMUEL S. PINHIEY 3996 DEGNAN Blub.	N. Honke	L.A. County HEAlth		
8/27/20	LOS ANGELES 90008	·P_	DEPARTMENT	100.	
_	LEE TURNER 11105 S. WESTERN	Per Ster	10011   P 171	, ,	1
8/3//2	Los ANGELES, 90047	Den les la	4934 LONG BEACHBLUD LONG BEACH 90805	200-	1
	1 Vivation Day In To	1755 96 /			
	333 N. PRAIRIE FUE.	D'AXIONS	1 1/.		l .
8/3/12		" Ore	DANIEL FREEMAN Hospital	1 100-	+
0/2/2/	ED LARA 15120 S. Butler Aus.	CHIRES	1	. )	1
8/31/16	COMPTON, 90221	CHREPRENCUR.	6722 CRENSHAW Blub LOS ANGELES 90047	100-	1
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If the contribution was made by an intermediary provide the information for both, the intermediary and the principal. contributor.

PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1) Include all Subtotals

SUBTOTAL (Carry with additional Subtotals to line 3, part 3) \$

2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized)

3. RECEIVED FROM OTHERS THIS PERIOD (Part 2) Include all Subtotals

4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized)

5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4, Enter this total on Line 1, Column B of Summary Page)

### SCHEDULE A, FORM 420 or 430 (Continued)

PART 2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR *	OCCUPATION	EMPLOYER (IF CONTRIBUTION IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE
9/23	Imporial West Medical Gro 11616 S. Hawthorne Blvd. Hawthorne, CA 90250	oup		10,000.00	10,000.
9/23	Woodbine Corporation 8383 Wilshire Blvd. #700 Beverly Hills, CA 95131			500.00	500.
9/23	Dr. Jeanette Parker 901 N. Camden Dr. Beverly Hills, CA 90210			300.00	300.
10/15	Frank Michelena 4120 Birch St. Newport Beach, CA 92660			250.00	1,250.
<del>-</del>				/	
0				,	

Attach additional information on appropriately labeled continuation sheets.

SUBTOTAL (Carry with additional Subtotals to line 3, part 3)

11,050.00

\* If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1)	$\frac{1.000.0}{}$
2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized)	.0
3. RECEIVED FROM OTHERS THIS PERIOD (Port 2)	11,050.0
4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized)	.0
5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4,	
Enter this total one Line 1, Column B of Summary Page)	\$ <u>12,050.0</u>



### COMMITTEE CAMPAIGN STATEMENT



(GOVERNMENT CODE SECTION 84200-84214)

Statement covers period from 9/21/76 through 10/18/76

RECEIVED

OCT 2 3 1976

MORCH FONG EU, Socretary of State

FRIENDS OF	PAUL PRIOLO	742164	100	~ •
NAME OF COMMITT	TEE .	I.D. NUMBER		
	Wilshire Boulevard, Los Angeles, California	90025	B (213)	<b>173-6</b> 595
ADDRESS OF COM	, , , , , , , , , , , , , , , , , , , ,	(ZIP CODE)	(AREA CODE)	(PHONE NO.)
	hn Hoag, Jr.			
NAME OF TREASUR	RER	·.	1	
-	RESS OF TREASURER (NO. AND STREET) (CITY) (STATE)	(ZIP CODE)	(AREA CODE)	(PHONE NO.)
_	hire Boulevard, Los Angeles, California	90025		173-6595
BUSINESS ADDRES	S OF TREASURER (NO. AND STREET) (CITY) (STATE)	(ZIP CODE)	(AREA CODE)	(PHONE NO.)
Line 1	Line 2 Line 3 Other			
CHECK APPLICABL	EBOX FOR MAILING ADDRESS (If other, list No. and Street (or P.O. Box), City, Sto	te and Zip Code)	1	
General	November 2, 1976	34	А	
TYPE OF ELEC	CTION (PRIMARY, GENERAL, SPECIAL) DATE OF ELECTION (MO., DAY, Y	R.) TOTA	L PAGES O	FFICIAL USE ONLY
	of Expenditures by Candidates and Measures als of Schedules E and F by Candidates and Measures; Amounts in  NAME OF CANDIDATE AND OFFICE; NAME OF BALLOT	nay be rounded o	AMOUNT OF	lars)
USE ONLY	MEASURE AND BALLOT NUMBER OR LETTER	ONE	THIS PERIOD	TO DATE
reap i	PAUL PRIOLO - Assemblyman, 38th District	SUPPORT OPPOSE	29,358.91	40,464.79
		SUPPORT		
,		OPPOSE		
**		SUPPORT		
<del></del>		OPPOSE		
<u>C-</u>	Note: Includes the receipts and expenditures	SUPPORT OPPOSE		
•.	of the sub-constant points to the sub-	SUPPORT		
¥ · .	of the subcommittees, Priolo Associates,	OPPOSE		
	ID 746158, and Committee to Re-Elect Assembly-	SUPPORT		
	10 740136, and committee to Re-Elect Assembly-	OPPOSE		
	man Paul Priolo, ID 761108.	SUPPORT		
		SUPPORT		
	,	OPPOSE		
		SUPPORT		
		OPPOSE		
		SUPPORT		
		OPPOSE		
	ATTACH ADDITIONAL INFORMATION ON APPROPRIATELY LABELED CONT	INUATION SHEETS		
	VERIFICATION			
С	I declare under penalty of perjury that to the best of my knowled and complete and that I have used all reasonable diligence in their	preparation.	1 /	,
D	Executed on 10/21/76 of Los Angeles, CA by (CITY AND STATE)	well	1/10-	
	A candidate who controls a committee must also verify	John Hoa	g, Jr.	•
E	I declare under penalty of perjury that to the best of my knowled and complete and the treasurer of this committee has used all rea	dge this statement	and its schedule	es are true, corre
F	and complete and the treasurer of this committee has used all real and its schedules.	Singular diligence i	ii iiie preparano	ni or inis stateme
•	Executed on 10/20/76 at Woodland Hillsy	For 14	2:1	
	- Executed on Aby	The state of the s		

### SCHEDULE A - Continued

Part 2 -	Received from Others:				
Date	Full Name and Address	Occupation	Employer	Amount Rec'd	Cumulati Amount
10/2/76	West Park Hospital 22141 Roscoe Boulevard Canoga Park 91304 TRANSMITTED BY Marvin D. Lasky 6330 Randi Avenue Woodland Hills (Intermediary for West Park Hospital)	Hospital Adminis- trator	West Park Hospital	\$500	\$500
9 <b>/2</b> 3/76 10 <b>6</b> 2/76	Albert and Nesta Trinitapoli 4329 Erbes Road Thousand Oaks 91360	Plumber and Housewife	Nat Taylor and Sons	\$25 \$25	\$50
10/2/76	Daniel Hillman 23712 W. Malibu Road Malibu 90265	Physician	23712 W. Malibu Rd., Malibu	\$25 /	\$125
C 10/2/76 C	Imperial West Medical Group 11616 So. Hawthorne Blvd. Hawthorne 90250 TRANSMITTED BY Jacquie C. Wilkinson 32154 Sailview Lane Westlake Village 91361 (Intermediary for Imperial West Medical Group	Health Consultant	Omni-Rx Health System Inc.	\$500 s,	\$500
10/2/76	Hollywood Trust 611 West Sixth St., Suite 19 Los Angeles 90017 TRANSMITTED BY Neil Papiano 611 W. 6th St., Ste. 1900 Los Angeles 90017 (Intermediary for Hollywood Trust)		Hollywood Park Trust	\$500	\$500

Statement covers period from 9-20-Zehrough 10-18-76

### SCHEDULE A, FORM 420 or 430 MONETARY CONTRIBUTIONS

(Amounts may be rounded off to whole dollars)

	PART 1 - RECEI	VED FROM COMMITTEES	: (See information	manual for directions	s and examples)
--	----------------	---------------------	--------------------	-----------------------	-----------------

PART	1 - RECEIVED FROM COMMITTEES: (See information	The state of the s		
DATE	FULL NAME AND ADDRESS OF COMMITTEE (Street, City, State)	1.D. NUMBER OR TREASURER'S FULL NAME AND ADDRESS	AMOUNT RECEIVED	TO D
10/ 8/76	California Contract Cities Association 2468 Huntington Drive San Marino, CA. 91108	John E. Neff 2468 Huntington Drive San Marino, CA. 91108	250.00	250.00
10/13/76	United Democratic Campaign Fund 5371 Wilshire Blvd. Suite 216 Los Angeles, Calif. 90036	I.D. # 760-197	25.00	25.00
>-	Gro-Pac - CA. Grocers Association Political Action Committee 400 So. El Camino Real, Suite 795 San Mateo, CA. 94402	I.D. # 760914	300.00	300.00
10713/76	California Association of Dispensing Option Political Action Committee 1980 Mountain Blvd. Oakland, CA. 94611	I.D. # 747072	300.00	300.00
10/13/76	Atlantic Richfield 645 Mariposa Avenue Los Angeles, CA. 90005	Jim Gibson 645 Mariposa Avenue Los Angeles, CA. 90005	250.00	250.00
~	California Workers Physicians Association 11616 South Hawthorne Blvd. Hawthorne, CA. 90250	Edward Duhstern 11616 South Hawthorne Hawthorne, CA. 90250	6,250.00	6,250.00
	Imperial West Medical Group 1.516 South Hawthorne Blvd. Jawthorne, CA. 90250	Merv Newell 11616 South Hawthorne Hawthorne, CA. 90250	3,750.00	3,750.00
[]	California State Legislative Committee 6613 Kelwood Street 'alencia, CA. 91744	William O. Griffin 16613 Kelwood Street Valencia, CA. 91744	35.00	35.00
p	vergreen Association Trust Account 00 South Fifth Avenue ortland, Oregon 97204	I.D. # 761244	500.00	500.00
5	itsuhishi International Corporation 55 South Flower Street Los Angeles, CA. 90017	T. Iino 555 South Flower Street Los Angeles, CA. 90017	500.00	500.00
I	Good Government Committee P. O. Box 206 Chittier, CA. 90608	I.D. # 743037	250.00	250.00
[1	Cash and Carry Association of California 19922 Pioneer Blvd. Cerritos, CA. 90701	Wilfred Schlonge 19922 Pioneer Blvd. Cerritos, CA. 90701	400.00	400.00
Anoch edd	Substotal (Carry with additional Subtotals to	line 1, part 3, page 4) \$	12,810.00	

Notice of Late Contribution 47th Assembly District Fund, I.D. #746299, has received:

- 1. \$1,000.00 from U.A.W. Region 6, Political Action Committee, 5150 E. Gage Ave., Bell, California 90201, 1.b. #743787; received 10/22/76.
- 2. \$2,000.00 from Imperial West Medical Group, 11616 So. Hawthorne Blvd., Hawthorne, California 90250; received 10/22/76.

C.

47A.D Hughes

RECEIVED In the office of the Secretary of State of the State of California OCT'2 8 1976 Folia 29, Socretary of Cap

I.D. NUMBER (If Committee)

### Statement covers period from 9/21/76 rough 10, 18/76

### SCHEDULE A, FORM 420 or 430 (Continued)

PART 2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR •	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
10/15	5/76 Geneva M. Shrader 2509 Manhattan Beacl Gardena, Ca.	retired	·	5.00	5.00
10/14	1	Student	Univ. of Virginia	50.00	50.00
9/21/	76 James A. Sferra 1626 Barry Ave. Los Angeles, Ca.	Civil Service	Post Office Dept.	50.00	50.00
	1/76 Individual Equal Con-	tributions	:(Following 10 peopl	e)	
0	R.Higginbotham 11616 S. Hawtherne Hawthorne, Ca.	Doctor	Imperial West Medical Group		-
0	M. Koch 11616 S. Hawthorne Hawthorne, Ca.	Dector	Imperial West Medical Group		
6 7	A. Harkovitz 11616 S. Hawthorne Bl. Hawthorne, Ca	Doctor	Imperial West Medical Group		
	E.Dickstein 11616 S. Hawthorne Bl. Hawthorne, Ca.	Doctor	Imperial West Medical Group		
	C.Scott 11616 S. Hawthorne Bl.	Doctor	Imperial West Medical Group		Managhan and the same place of the same party of

Attach additional information on appropriately labeled continuation sheets.

SUSTOTAL (Carry with additional Subrotals to line 3, part 3)

" If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1)	\$ 1150 00
2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized)	60 00
3. RECEIVED FROM OTHERS THIS PERIOD (Part 2)	3675.00
4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized)	115.CU
5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line $1 + 2 + 3 + 4$ ,	11 2 2 6
Enter this total one Line 1, Column B of Summary Page)	\$ 11,800.00

760002

Statement covers period from 9/21/76

### SCHEDULE A, FORM 420 or 430 (Continued)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR *	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE
	R.Geiger 11616 S. Hawthorne Bl. Hawthorne, Ca.	Doctor	Imperial West Medical Group		
	L.Hall 11616 S. Hawthorne Bl. Hawthorne, Ca.	Doctor	Imperial West Medical Group		
	A.Mitchell 11616 S. Hawthorne Bl. Hawthorne, Ca.	Doctor	Imperial West Medical Group		
, 6	H.Standers 11616 S. Hawthorne Bl. Hawthorne, Ca.	Vice President	Imperial West Medical Group		
7	Merv Newell 11616 S. Hawthorne Bl. Hawthorne, Ca.	Vice President	Imperial Vest Medical Group	j	
TRA	NSMITTED BY: IMPERIAL WEST MEDICAL 11616 S. Hawthorne B			500.00	<b>500.</b> 00
0	Hawthorne, Ca.				
	itional information on appropriately labeled contin				

SUBTOTAL (Carry with additional Subtotals to line 3, part 3) \$ 500.00

### PART 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

1.	RECEIVED FROM	A COMMITTEES	THIS PERIO	D (Part 1) .			\$ 7150.00
2.	RECEIVED FROM	A COMMITTEES	UNDER \$50	THIS PERIOD	(Not Itemized).		60,00
_	DECENTED 500		555100 (5				2 ( - 1 ) 22

3. RECEIVED FROM OTHERS THIS PERIOD (Part 2)

4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized) 5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 1,800.00 Enter this total one Line 1, Column B of Summary Page).

<sup>\*</sup> If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

THE UNITED DEMOCRATIC CAMPAIGN COMMÍTTEE
1528 West Santa Barbara
Los Angeles, California 90062

RECEIVED
AND FILED
In the office of the Secretary of State
of the State of California
OCT 2 9 1976

AMARCH FONG ELL Secretary of State

October 26, 1976

761357

The Honorable March Fong Eu Secretary of State 925 L Street Sacramento, California 95814

Dear Secretary of State Eu:

Pursuant to the regulations of Proposition 9, The United Democratic Campaign Committee, 1528 West Santa Barbara, Los Angeles, 90062 has received the following contribution(s) of a \$1000.00 or more this date October 26, 1976:

Imperia	11	West	Medical Group	1,500.
Yes on	5	- Spe	ecial Account	4,000.
Yes on	Α	& B -	- Special Account	1,000.
Yes on	Α	& В -	- Special Account	5,000.
Jeanne	Su	lliva	an, Clients Account	1,000.
People	Aσ	ainst	t Prop. 13 II	15.000.

Sincerely,

WIELARD H. MURRAY

Treasurer

·C

 $\Box$ 

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Statement covers period from 10/19/76

### SCHEDULE A, FORM 420 or 430 (Continued)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR *	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
)/29/76	Knudsen Corporation 231 East 23rd St. Los Angeles 90011	Corporate Developmen		<b>\$</b> 250	\$250
,	Imperial West Medical Gr 11616 So. Hawthorne Blvd. Hawthorne 90250			\$700	\$700
)/29/7	Peter W. Dauterive 4351 Mt. Vernon Drive Los Angeles 90043	Savings & Loan Owner	Founders S & L Western Avenue Los Angeles	\$200	\$200
!	John G. Triphon P.O. Box 3574 Deverly Hills 90212	Investm <b>e</b> nt	P.O. Box 3574 ts Beverly Hills	\$250	\$250
<b>⊅</b> 29/7	Allen G. Tatkin & Assoc. 2476 So. Overland Ave. Los Angeles 90064	Builders	·	\$200	\$200
5/29/74	Pacific Southwest Airlin 3225 N. Harbor Blvd. San Diego 92101	nes Airlines		\$100	\$1.00
6 .	Transmitted by Cerrell Assoc., Inc. 5967 W. 3rd Ste. 302 L.A. 90036	Public Relations	3		
)/22/75	Lucy M. Hamilton 5218 Onaknoll Ave. Los Angeles 90043	Retired		\$50	\$50
	Calif. Black Corrections Coalition CBCC News 6135 Arlington Blvd. Richmond	Newspaper		\$60	\$60
Attoch add	ditional information on appropriately labeled continu	vation sheets.		1 810 00	

SUBTOTAL (Carry with additional Subtotals to line 3, part 3) \$ 1,810.00

- 1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1) . . . . . 2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized). . . .
- 3. RECEIVED FROM OTHERS THIS PERIOD (Part 2)
- 4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Itemized)
- 5. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4,
  - Enter this total one Line 1, Column B of Summary Page).

<sup>\*</sup> If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

### Statement covers period from 10/19/76 through 12/30/76

### SCHEDULE A, FORM 420 or 430 (Continued)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR *	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
	Hollywood PARK TRUST ACCOUNT P. O. Box 369			,	
19/23/2	ING/EW000, CA. 90306			250.	250
	PERROW PRODUCTIONS 6126 S. CROFT AUG				
10/5=/2	L. A. Ca. 90056			100.	100
~ , ,	INGLEWOOD Police ASS'N Political Action Fund P. O. Box 960		,		1
10/22/2				1,000.	1,000
ာ	IMPERIAL WEST MEDICAL GROUP 11616 S. HAWTHORNE Blub.				.,
70/25/2	Hawthorne, CA 90250			2,000.	400a
	Thomas J. Cunninsham 5306 SoleDAD Rancho Ch	Sele	1024 10 th St 5/2 300	/	
10,27/76	SAN DIEGO 92109	Empleyed	SACRAMENTO 95814	150.	150
	INTERNATIONAL LADIES GARMENT WORKERS UNION 400 W. Hinth St.				
16,29%	LOS ANGELES 90015		·	100.	100
ج	Charles Banks 809 E. Rosecrans		DBA INTER & DRUGS		_
0/29/75	<b>A</b>	Pha amocisT	DBH INTO K DIGGS	50.	50
2	Gladys Waddingham 9132 4th Aut. INGIEWOOD 90305	Refized		75:	سرچرب
141110	7,0003	· LIVED		/5.	/-1
.ttach add	itional information on appropriately labeled continu	•	btotals to line 3, part 3) \$	3,725.	

\* If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

1. RECEIVED FRO	M COMMITTEES THIS PERIOD (Part 1)		\$ 2,500.
2. RECEIVED FRO	M COMMITTEES UNDER \$50 THIS PERIOD (	(Not Itemized)	0
3. RECEIVED FRO	M OTHERS THIS PERIOD (Part 2)	<i></i>	3,725.
4. RECEIVED FRO	M OTHERS UNDER \$50 THIS PERIOD (Not	Itemized)	<u></u> ↔
5. TOTAL MONE	ARY CONTRIBUTIONS THIS PERIOD (line )	+ 2 + 3 + 4,	
Enter this tota	I one line 1 Column 3 of Summary Page)		6,225.

### SCHEDULE A, FORM 420 or 430 (Continued)

PART 2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR *	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATI
10/22	Pacific Outdoor Advertis P.O.Box 3159, Terminal A Los Angeles, Calif.			\$125.00	\$125.00
10/27	Los Angeles Sentinel, In 1112 E. 43rd St. Los Angeles, Calif.	c.		\$125.00	\$125.00
11/19	Clarence B. Lofton 4156 South Main St. Los Angeles, Calif.	Businessm	an Progress Laboratori Inc.	\$50.00 es,	\$50.00
11/17		Administra Coordinato	tive r City of Los Angel	es \$100.00	\$100.00
12/10	Imperial West Medical Gr 11616 S. Hawthorne Blvd. Hawthorne, Calif.	oup		\$1,250.00	\$1,250.
1 <b>e/</b> 27	Marcia and Paul Herman 600 Hanley Ave. Los Angeles, Calif.	Citizen Activist and Radiologis	None and St. Francis Hospita	1 \$125.00	\$125.00
0	Golden State Mutual Life 1999 West Adams Blvd. Los Angeles, Calif.		l .	\$500.00	\$500,00
12/20	Frederick P. Furth Law O Russ Building, Suite 133 San Francisco, Calif.			\$100.00	\$100.00
11/16	Founder Savings and Loan 3910 W. Santa Barbara Av Los Angeles, Calif.		on	\$625.00	\$625.00
Attach odd	itional information on appropriately labeled contin			3,000,00	

SUBTOTAL (Carry with additional Subtotals to line 3, part 3) \$ [3,000.00]

\* If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1)	\$ 12,810.0
2. RECEIVED FROM COMPLITTEES UNDER \$50 THIS PERIOD (Not Itemized)	60.00
3. RECEIVED FROM OTHERS THIS PERIOD (Part 2)	7.620.0
4. RECEIVED FROM: OTHERS UNDER \$50 THIS PERIOD (Not Itemized)	1.795.00
5. TOTAL MONETARY CUNTRIBUTIONS THIS PERIOD (line 1 + 2 + 3 + 4,	
Enter this total one Line 1, Column B of Summary Page)	\$22,285.0

DISTRICT OFFICE 3607 MACDONALD AVENUE TEL .. AREA CODE 415 237-8171

> STATE CAPITOL ROOM 2148 TEL : APEA CODE 916 445-7890

Assembly

California Legislature

Joint Legislative
Committee on Tort
Liability
The Revision of
The Nonprofit

OF COMMITTEE ON TORT CORPORATIONS CODE

COMMITTEES!

CRIMINAL JUSTICE

RICEIV JOINT COMMITTEE ON FILE ON THE REVISION OF

SIR FRANCIS DRANT COMMISSION.

JOHN T. KNOX SPEAKER PRO TEMPORE

ASSEMBLYMAN, ELEVENTH DISTRICT

19 <del>هن آيان</del>

March 7, 1977

Honorable March Fong Eu Secretary of State 925 L Street, Suite 605 Sacramento, CA 95814

ATTN: William Durley

Dear Mrs. Fong Eu:

It has come to my attention that the Imperial West Medical Group reported a \$750 contribution to my campaign on its Major Donor Statement filed with your office last year.

My campaign treasurer says such a check was never received and I have sent a letter to Merv Newell of Imperial West Medical Group, asking him to send an amended filing to your office.

Very truly yours,

1 50017

JOHN T. KNOX

JTK:mcc

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C

Daniel Lowenstein

Fair Political Practices Comm.

# Sp 9 mm 1-13

STATE OF ALIFORINA

### DEPARTMENT OF JUSTICE

CHERE OF ATTORNEY GLAERAL

FIGURE MALE SHIFE 150

A ACHAMENTO - ACHORMA - 98514

Ms. Biz Van Gelder Federal Election Commission 1325 K Street N.W. Washington, D.C. 20463 C.

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C

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RECEIVED FEDERAL FLECTION COMMISSION - 20 CC 1294

EDMUND G. BROWN JR., Governor

#### DEPARTMENT OF CORPORATIONS

Los Angeles, California August 15, 1977 '77 AUG 30 AM 9:41

IN REPLY REFER TO:

LASSET

Ms. Biz Van Gelder Federal Elections Commission 1325 K. Street, N.W. Washington, D.C. 20463

re: Omni-Rx Health Systems
MUR 373 (77)

Dear Ms. Van Gelder:

This letter is in response to General Counsel William C. Oldaker's letter of June 8, 1977.

As requested by General Counsel Oldaker, I am forwarding to you the following materials:

- Checks written on the Omni-Rx Health Systems' Imperial West Medical Group (IWMG) trust account;
- 2. Checks written on the IWMG account; and,
- 3. Bank statements for the IWMG account.

Some of the attached IWMG checks designate which IWMG partner or employee made the political contribution. Of these contributors, Drs. Dickstein, Markovitz and Koch are shareholders and directors of Omni-Rx Health Systems, as well as the original partners of IWMG. Drs. Higginbotham, Scott, Grier, Mitchell and Geiger's associations with IWMG were originally as employee doctors of IWMG. Later they were made IWMG "partners". Statements previously forwarded from Drs. Mitchell, Grier and Geiger show that at least some of the "non original" IWMG "partners" may be taking the position that they never were "legal partners". Drs. Thakor and Hall have been employed by IWMG but never became partners. Finally, Merv Newell and Harry Standers are not IWMG doctor employees or doctor partners.

Ms. Biz Van Gelder August 15, 1977 Page Two Special note should be taken of the following: 1. Regarding IWMG Check No. 1041 paid to Triphon for Senator: the Department had been unable to ascertain that John G. Triphon was a bona fide Senatorial (Federal or State) candidate in 1974: 2. Regarding IWMG Check No. 1121 paid to the McCarthy Dinner Committee: we believe McCarthy is State Assemblyman Leo McCarthy not Presidential Candidate Eugene McCarthy: 3. There is a substantial question as to whether or not Check Nos. 1110, 1116 and 1158 were ever issued or accepted. We have no record of the checks, as such. Regarding Check Nos. 1110 (Committee to Re-elect Senator Humphrey), 1116 (Congressman Ron V. Dellums, Longworth Bldg., U.S. Capitol, Washington, D.C. 20505 Copying) and 1158 (Committee to Re-elect Assemblyman John Knox), as of February 28, 1977 these checks (if issued) have not cleared the bank. The curported payees were identified by a review of check stubs and we do not know if the checks were actually issued in accordance with the entry on the check stubs. Mr. Knox's office states they have no record of receipt of any such funds. Please refer to my March 3, 1977, memorandum at Appendix C. C Department has the following additional information concerning thos payments: 1. Pasadena Urban Coalition contribution has been identified as IWMG Check No. 1126; 2. No further information is available concerning the May 20, 1976, contribution to Bill Greene; 3. Leo McCarthy is erroneously listed (see my March 4, 1977, memorandum); 4. The contribution to the Moretti Dinner has been identified as IWMG Trust Check No. 134 payable to Moretti Dinner Committee: 5. The Otto Lacayo contribution has been identified as IWMG Trust Check No. 135 payable to Committee to Elect Otto Lacayo; and, 6. The contribution to the Westside Democratic Committee has been identified as IWMG Trust Check No. 153 dated September 12, 1974 payable to Westside Democratic Club.

Ms. Biz Van Gelder August 15, 1977 Page Three

The Department has previously forwarded the signed statements of four doctors. While the Department has taken the depositions of two partners, Scott and Higginbotham, those depositions are unsigned. The Department has reason to believe that Higginbotham's statements were inconsistent with the facts. In addition, Scott has since his deposition orally "restated" certain facts. Consequently, because of doubt as to their accuracy, I am not forwarding those statements at this time.

I have assigned Corporations Counsels Mark P. Richelson and David Pasternak to this matter. Should you need any further assistance, they will be glad to aid you, Mr. Richelson's telephone number is (213) 736-3137. Mr. Pasternak's telephone number is (213) 736-2510.

Sincerely,

Assistant Commissioner

JLB:sjg
Enclosureswith Von 6e dersubstantially the
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from CA arthy gent

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and the state of t



a ca 9-23-121

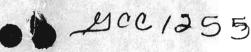
Ms. Lag Van Geld Federal Elections Commission 1325 K. Street, N.W. Washington, D.C. 20463

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CUMMERICH Eenebyt frection EVELLE J. YOUNGER



STATE OF CALIFORNIA





RECEIVED FEDERAL ELECTION COMMISSION

OFFICE OF THE ATTORNEY GENERAL AUG 29 AM 8:30

#### Department of Justice

3580 WILSHIRE BLVD. LOS ANGELES, CALIFORNIA 90010 (213) 736-2304

August 24, 1977

770591

Ms. Biz Van Gelder Federal Election Commission 1325 K Street N.W. Washington, D.C. 20463

> Re: Your file No. MUR 373(77) Our file No. 77IN0004

Dear Ms. Van Gelder:

Enclosed you will find the materials you requested from Deputy Attorney General John Gordnier regarding the above-referenced subject. These materials include bank statements and checks drawn on the Imperial West Medical Group account; checks drawn on the Omni-Rx Health Systems/IWMG Trust account; a ledger entitled "ORHS-IWMG Political Payments;" declarations from Drs. Hall, Mitchell, Geiger and Grier; and the depositions of Drs. Scott and Higginbotham.

Please contact me if there are any additional materials in my possession which you would like me to provide you with.

Vary truly your

Marc E. Turchin

Deputy Attorney General

Telephone: (213) 736-2109

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#### CROCKER NATIONAL BANK

#### STATEMENT OF ACCOUNT

IMPERIAL WEST MEDICAL GROUP 11616 S HAWTHGENE BLVD HAWTHGENE CALIF 20

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BB. BONUS BALANCE.



#### CRUKER NATIONAL BONK

#### **STATEMENT OF ACCOUNT**

IMPERIAL WEST MEDICAL GROUP 11616 S HAWTHORNE BLVD HAWTHDRNE CALIF

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#### CROCKER NATIONAL ANK

#### **STATEMENT OF ACCOUNT**

IMPERIAL WEST MEDICAL GROUP 11616 S HAWTHORNE ELVO HAWTHGENE CALIF

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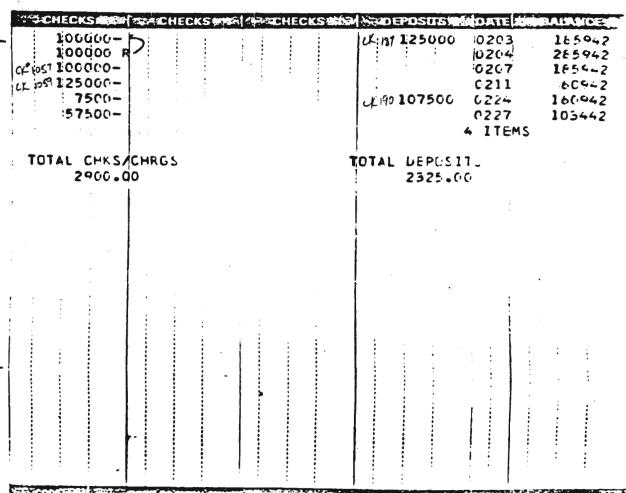


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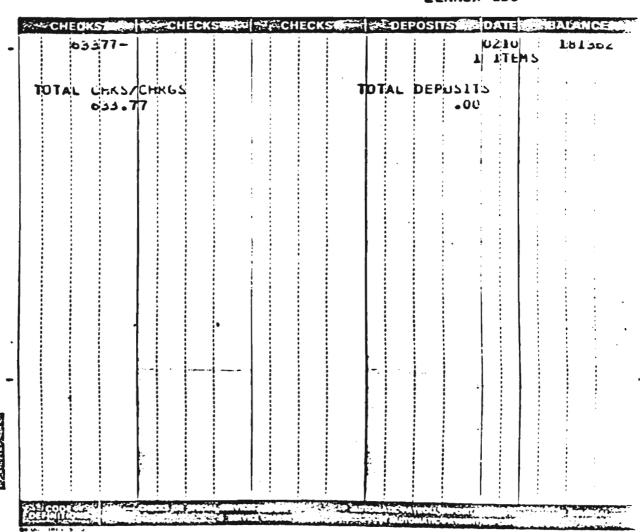


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BEFORE THE DEPARTMENT OF CORPORATIONS

OF THE

STATE OF CALIFORNIA

In the matter of an examination and investigation of

OMNI-RX HEALTH CARE, INC.

and of its books, records, accounts and other papers.

No.

600 South Commonwealth Avenue 16th Floor Los Angeles, California 90005

Thursday, December 2, 1976 10:05 a.m.

Deposition of

DR. ROBERT M. HIGGINBOTHAM

Taken by

. MARK P. RICHELSON, ESQ.

Reported by:

JULIE C. GOSNELL, CSR NO. 2943



Deposition of DR. ROBERT M. HIGGINBOTHAM, called as a witness by the Department of Corporations, taken before JULIE C. GOSNELL, CSR NO. 2943, a notary public in and for the State of California, County of Los Angeles, at 600 So. Commonwealth Avenue, 16th Floor, Los Angeles, California, on Thursday, December 2, 1976, at 10:05 a.m., pursuant to Subpoena.

#### APPEARANCES OF COUNSEL:

For the Department of

Corporations: MARK P. RICHELSON, ESQ.

Corporations Counsel

600 So. Commonwealth Avenue

16th Floor

Los Angeles, California 90005

**[213]** 736-3137

For the Witness: MARK A. RESNIK, ESQ.

11616 S. Hawthorne Boulevard Hawthorne, California 90250

[213] 772-8381

Also Present: Henry A. Holguin

Department of Corporations

Legal Assistant



#### WITNESS:

EXAMINATION

Dr. Robert M. Higginbotham

[By Mr. Richelson]

#### EXHIBITS

[None]



#### PROCEEDINGS

MR. RICHELSON: This is a deposition in the matter of examination and investigation of Omni-Rx Health Care, Inc. To be deposed is Dr. Robert Higginbotham.

Also present in the room is Attorney Mark A.

Resnik. My name is Mark P. Richelson, Corporations Counsel.

We are located at 600 Commonwealth Avenue, Los Angeles, California. Today's date is Thursday, December 2, 1976. It is approximately 10:05 a.m.

Dr. Higg: otham is appearing pursuant to a subpoena, dated Novem it 24, 1976, and the response date of that subpoena was changed by a mutual agreement to today.

Is that correct?

MR. RENIK: Yes.

DR. ROBERT M. HIGGINBOTHAM, called

as a witness by the Department of Corporations, having

been first duly sworn, was examined and testified

as follows:

MR. RICHELSON: Off the record.

[Discussion off the record. Whereupon, Mr.

Holguin enters the room.]

MR. RICHELSON: At this time, I would like to also indicate that Mr. Henry Holguin, a graduate legal assistant for the Department, is present.



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### EXAMINATION

## BY MR. RICHELSON:

- On. Higginbotham, would you state and spell your name, please.
  - A Robert M. Higginbotham, H-i-g-g-i-n-b-o-t-h-a-m.
  - And you are a doctor of medicine?
  - A. Yes.
  - Q And you are board certified?
  - A. Board qualified.
  - Q Board qualified in what area?
  - A Orthopedic surgery.
- Q Could you explain to me the difference between board qualified and certified?
- A Board certified means that you have passed the standard examination set up by the American Academy of Orthopedic Surgeons, and qualified means that you have met all the requirements to take that examination.
  - Q Could you give us your home address, please?
  - A 4843 Inadale Avenue, Los Angeles 90043.
  - Q Could we have your home phone?
  - A 299-1672.
  - Q And your business address?
  - A. 4411 W. 116th Street, Hawthorne, California.
  - Q And the phone number?
  - A. 772-8000.
  - And the name of your employer?
  - A I am self-employed.
  - Q Is that in the Imperial West Medical Building?

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Yes. Were you at any time a member of the Imperial West Medical Group Partnership? Yes. A. Are you at this time? Q Yes. A When did your association with the partnership begin? Association with it? A. Yes. Q 1971. Q Were you a partner or just employed then? A, Employed then. You had an employment contract with them? Ø A Yes. It was a written contract? Q A. Yes. And that was to the Imperial West Medical Group? Q Yes. When did you become a partner in the Imperial Q West Medical Group Partnership? I really don't know the day. What is this? 1976? I really don't know. Either 1974 or 1975. If it would be in 1975, would it have been from

A Yes. Either July, August, or September. In that area.

July towards January, in that area?

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And that was 1975 we were just talking about.

If you were able to refresh your recollection at a later time or find some documents, would you be willing to advise this office of the dates?

- A. Sure.
- And during this period, you were first employed under contract, and then you became a partner, and is there a point where you were not associated?
- A I'm really not sure whether I was employed through the Koch Medical Corporation or IWMG. Either one, but I am not sure.
  - Q But then you did become a part of IWMG?
  - A. Yes.
- Q From 1971, you've either been with Imperial West or Koch and then a partner in Imperial West?
  - A. That is correct.
- Q Have you yourself ever contributed since 1971 to any political candidates?
  - A. Yes.
- Q During the last two years, what candidates would you have contributed to?
- A Governor Brown, President-elect Carter. Offhand, that is all I can recollect.
- Q Did you make these contributions from your personal funds or from partnership funds?
- A These were from, I guess, from my personal funds, but from the partnership, my money in the partnership.

  MR. RESNIK: Let's get this cleared up.



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Can I counsel with him for a minute?

MR. RICHELSON: Off the record.

[Discussion off the record.]

MR. RICHELSON: We had a short recess while Mr. Resnik conferred with his client.

MR. RESNIK: Dr. Higginbotham has told me that the money was not contributed directly by him, but was contributed through the partnership.

[By Mr. Richelson] Okay. I think I should go back and do one thing proceduraly.

Mr. Higginbotham, is Mr. Resnik your counsel today?

Yes.

MR. RICHELSON: And Mr. Resnik, are you also employed by Omni-Rx Health Systems, Inc?

MR. RESNIK: I am.

MR. RICHELSON: Are you appearing here as a representative of Omni-Rx Health Systems or Dr. Higginbotham?

MR. RESNIK: I am appearing here as Dr.

Higginbotham's personal counsel with the consent of Omni-Rx Health Systems.

MR. RICHELSON: Are either of those compensating you for this appearance today?

MR. RESNIK: I am not being compensated by the I'm being made available by the company for the doctor's benefit.

[By Mr. Richelson] Doctor, are you aware of Mr. Resnik's association with Health Systems?

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- Q And he is your counsel today?
- A. Yes.
- Q Now, when you say that the funds came from the partnership, did you indicate to somebody in the partnership that you wished to use such funds for political contributions?
  - A Yes.
  - Q Who would you indicate that to?
  - A. Merv Newell.
- Now, I would like to understand the procedure in which this was done. Did you go to him and ask him to make a contribution to President-elect Carter or to, I assume, Candidate Carter?
- A. I don't know exactly how it came up, but it was a contribution from myself. Whether I approached him or this was -- I don't know the details, but it was a voluntary contribution on my part.
- Q Did you authorize this contribution before it was made?
  - A Yes.
  - You did not learn about it after it was made?
  - A No.
- Q Would you have any recollection of the date that this contribution would have been made?
- A. Oh, I think around September, October of 1976.

  I'm not sure on the day.
  - Would you have any recollection of making a con-

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tribution to a payee by the name of Carter for President in April of 1976, either April of May?

It may have been April of May. I can't remember when the banquet was here for President-elect Carter, and I've forgotten the day.

- You speak of a banquet?
- A. Yes.
- Did you attend a dinner for -a
- Yes.
- Was this contribution in the form of buying a tickets to the dinner, or was this a regular contribution?
  - A. I quess it was a combination of both. I'm sure.
- And do you remember how much your total donation. a was at the time?
  - A thousand dollars.
- Now, would the payment, the actual check be filled out by Mr. Newell?
  - Yes. A.
- And he is the business manager for the Imperial West Medical Group?
  - He is the president or vice-president. A.

MR. RESNIK: Off the record.

[Discussion off the record.]

- [By Mr. Richelson] What is Mr. Newell's func-Q. tion with regard to Imperial West Medical Group?
  - A. Systems manager.

MR. RESNIK: I might clear it up on the record for you.



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## MR. RICHELSON: Okay.

MR. RESNIK: There is a management agreement between IWMG and Systems whereby Systems manages the financial and other administrative affairs of the partnership, IWMG.

Mr. Newell is the vice-president of finance for Omni-Rx Health Systems, and in that capacity, he also performs financial administrative services for IWMG pursuant to the contract between to the two entities.

MR. RICHELSON: Okay. Thank you.

- Q [By Mr. Richelson] Dr. Higginbotham, have you contributed to the campaign of Senator John Tunney?
  - A. Yes, yes.
- Q Would there have been a personal contribution?
  Would that have been a contribution made out of IWMG funds?
  - A Out of my funds through IWMG.
- Q Funds that were then IWMG but were allocated to you?
  - A. That is correct.
- Q Do you remember how much money you contributed at that time to Senator Tunney?
  - A No, I don't. I don't remember the figure.
- Q Do you remember approximately when the payments were made?
  - When was the campaign?

MR. HOLGUIN: The election was in November.

Q [By Mr. Richelson] If I gave you a date of
May 28, would that refresh your recollection? Would you say



that it would be in that area? Yes. Do you remember the circumstances with regard Q to how you authorized the payment of that money? Q Right.

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You mean written or verbal or what?

Yes, verbal.

Do you remember if you originally approached Q. Mr. Newell about making the contribution, or if this was an agreement between you and several of the doctors to make the contribution?

No. I was usually -- this was discussed beforehand, and no funds were taken out from my moneys without my approval.

And do you remember approximately how much money you contributed at that time?

No, I can't remember the figure.

Would \$333 refresh your recollection? Q.

It was between 100 and 500. I don't know the A figure.

Do you know if any of the other doctors at Imperial West also made a contribution at that time?

> A You mean definitely?

Q. First, definitely.

No, I have no records or proof. Or a --

Now, do you have any reason to believe that any of the other doctors may have made such a contribution?

Yes, I think they did.



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Q What would be behind that belief?

A Attendance at the banquet or dinner.

Q Would you have any way of knowing if maybe a number of the doctors had authorized payment of money to Mr. Tunney so it would be paid in one check instead of four or five checks?

A. No.

that they wished to contribute an amount of money to a political candidate, would Mr. Newell, to your knowledge, issue a check, as for example, \$100 per doctor for Dr. Higginbotham and \$100 for Dr. Koch and \$100 for Dr. Markovitz, or would he issue one check for \$300 and note on the check or in the books payment was in equal parts from the accounts from these three people?

A I don't know.

Q Have you at any time contributed any moneys to the Paul Sarbangs for senator?

A I believe so. I don't know when he ran, but I think it was 1973 or somewhere along there. I'm not sure. I think I contributed.

- Q Could it have been in August of this year?
- A August? I don't know. I can't remember.
- You originally stated you thought it was in
  - A I thought it was 1973, 1974.
- Q Do you have any recollection of August of this year, 1976?



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A. It may have been. I don't know.

Q Do you remember how much you would have contributed at that time?

A. No, I don't.

Q If I gave you a figure of \$100, would that refresh your recollection?

A No, it wouldn't refresh it, but --

Q Did you give Mr. Newell authorization to make such a donation?

A Yes.

Q And do you remember if that authorization was written or verbal?

A. Verbal.

Q And that money was not contributed until such time as you made the authorization?

A As far as I know.

Q Have you ever contributed to the Lieutenant Governor Dymally election committee?

A I believe so.

Q Would you have any recollection of when that was?

A No, I don't.

Q Would it have been possibly around September 15 of this year?

A Possibly, yes. I think there was a rally or dinner or something of that nature.

Do you remember how much money you would have
contributed?

A Specifically, no.



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Q Would it have been in an amount approximating \$1,000?

A It could have been. I didn't remember whether it was a thousand for -- yes, it could have been.

Again, did you give Mr. Newell verbal authorization to make such --

A Yes.

a And to your knowledge, the money was not paid until he had received such authorization from you?

A That is correct.

Q Did you ever contribute to something called a
CBC Dinner?

MR. RESNIK: CBC?

MR. RICHELSON: CBC.

MR. RESNIK: CBC what?

MR. RICHELSON: Dinner.

A Yes, I believe so.

Q [By Mr. Richelson] When was that?

A What is this? December?

Q Right.

A I think it was in October of this year, if I am not mistaken.

MR. RESNIK: Do you know what CBC is?

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MR. RICHELSON: No.

THE WITNESS: No, I don't. I don't know. I don't want to guess.

MR. RICHELSON: Off the record.

[Discussion off the record.]



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Q [By Mr. Richelson] Dr. Higginbotham, do you know what CBC stands for?

- A. Not definitely.
- Do you have an idea?

A guess which is not substantiated by any evidence; so I won't even want to make it.

- Again, was authorization given to Mr. Newell to make that contribution?
  - A. Yes.
  - Q Was that verbal or written?
  - A Verbal.
- And the money was not paid, to your knowledge, until he received such authorization?
  - A Yes.
  - Q Would the CBC be the Congressional Black Caucus?
  - A I think it was.
- Now, these contributions to Paul Sarbangs and Lieutenant Governor Dymally, were they contributions, or were these for fund-raising events, such as a dinner or something of that nature?

A To the best of my recollection, I think they were fund-raising dinners. I'm not sure.

- And I assume the CBC Dinner was a dinner?
- A. Oh, yes. I think it was one held out here in Beverly Hills.
- Q Now, is Mr. Newell a member of the Imperial West Medical Group Partnership?
  - A I believe so. I'm not absolutely sure.

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member.

MR. RESNIK: The answer is no. He is not a

MR. RICHELSON: Thank you, Mr. Resnik.

MR. RESNIK: Imperial West Medical Group Partnership is a medical partnership. The only partners are medical doctors.

- Q [By Mr. Richelson] Is Mr. Standers a member of the Imperial West Medical Group?
  - A. You are asking me things I don't know.
  - Q. Do you know a Mr. Harry Standers?
  - A. Yes.
- Q Do you know, to your knowledge, if Mr. Standers practices medicine?
  - A No, he does not practice medicine.
- Q Is the Imperial West Medical Group a medical partnership?
  - A. Yes.
  - Q Do you know of a Mr. Geiger?
  - A Yes.
  - Q Is he a doctor?
  - A. Yes.
  - Q Is he a partner in Imperial West Medical Group?
- A. I do not know, no, whether he is a partner or not, but he is associated with the group.
  - Q Do you know a person by the name of Anita Mitchell?
  - A. Yes.
- Q Does she practice at the Imperial West Medical Group?



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Yes. A.

Do you know if she is a partner or not? Q

I do not know definitely. A.

Has Mr. Robert Hersh ever been your personal accountant?

> He is my personal accountant. A

Did he and you ever cause to be learned he was preparing your income tax for 1975 that \$1,900 of partnership funds had been allocated as a political contribution?

> What was that again? A

Did you and he learn after the fact that during the tax year of 1975 that \$1,900 of partnership moneys had been allocated as a political contribution from you by the partnership?

A I don't know.

MR. RESNIK: Could I counsel with him for a minute?

> MR. RICHELSON: Sure.

[Discussion off the record.]

The contributions, I was aware of them, yes, but A. you are talking about something on my income tax. I didn't go over that.

[By Mr. Richelson] The contributions that I have been talking about previously were all made during the year 1976?

Right. A.

Now, the end of your tax year is also the end

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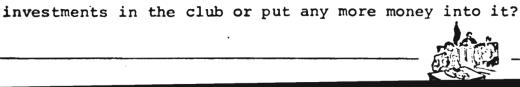
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of each regular year?

- A. Right.
- Q During the tax year of 1975, and this is a period of time we haven't talked about, but are you aware of any political contributions made out of IWMG partnership funds that were allocated to you?
  - A. Yes.
- Q Now, of all of those that you are aware of, did you learn of any of those after the fact, after they were made?
  - A. No, I don't think so, no.
- Q During the time that Mr. Hersh was preparing any one of his financial statements or papers that he prepares, did he ever come to you and tell you that he could not figure out where \$1,900 had gone?
  - A I don't remember.
- Q Did he ever indicate to you that he had discovered that \$1,900 had been taken out of your share, your part of the money of the partnership and allocated to political contributions or paid as political contributions?
  - A I don't know.
- Q Are you familiar with an entity called The Las Vegas Ranch Club?
  - A Yes.
  - And do you know what the Las Vegas Ranch Club is
- A. I have seen the papers. No, I specifically couldn't give you any details about it.
  - Are you a member of the Las Vegas Ranch Club?



	me 65	2	Q	Is this an investment arrangement for you?
	Telephone 63	3	A.	Yes.
	H	4	Q.	Is this an investment in land in Las Vegas?
_		5	λ.	Yes.
Notaries		6	Ø.	Is there a trailer park?
Z <sup>e</sup>		7	A.	I don't know. I think it is land that is
fion		8	plans for a	shopping center, as I remember.
Doposition		9	Q	Do you remember when you became a member of the
A		10	Las Vegas R	anch Club?
Contified		11	λ.	1972, 1973. I'm not sure.
J		12	Q	And have you paid any fees to join?
2		13	A.	I don't know.
		14	Q	Do you have any recollection of having to make
REP(	14	15	any payment	s to the club at all?
COURT REPORTERS	Calif. 90014	16	A.	Yes:
		17	<b>Q</b>	What would those payments be for?
POLK	eles,	18	A.	I don't know.
<u> </u>	Los Angeles,	19	Q.	To your recollection, did you have to make an
		20	initial inve	estment in the club?
	7-309	21	A.	Yes, I think so.
	te 30.	22	õ	Would you have any recollection as to how much
7 23 23		23	that would	be?
	treet	24	<b>A.</b>	I'm not sure, but I think it was in the neighbor-
	live S	25	hood of \$15	,000. I'm not sure, but that would be a guess,
	606 S. Olive Street, Sulte 307-309,	26	\$15,000.	
	909	27	Ø.	And since that time, have you made any other



A. I don't know. I can't remember.

Q. Any moneys that you would have put in, you would have had to authorize those; would you not?

MR. RESNIK: Can we talk off the record?
[Discussion off the record.]

Q [By Mr. Richelson] I will rephrase the question.

Doctor, to your recollection, besides the \$15,000 that you paid at the time of your initial investment with the club, are you aware or any payments made on your behalf to the Ranch Club?

A I think there were other payments made. I would have to -- I would have to get my tax records, all of my records, which are home or with Mr. Hersh. I don't have those typesof facts on the tip of my tongue or in my cranium.

I don't have the time for that business. I practice medicine. I am not involved in a detailed business. That is why I have other people handle these things for me.

Are there other people who have the ability to sign checks for you on certain instances?

A. What do you mean by sign checks for me?

Q You can authorize, as I understand, Mr. Newell to sign a check?

A In my name?

Q From partnership funds.

A. From my funds, yes. He can draw money out of my funds with notations, yes.

Q Other than that, are there any other instances



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of people who can do something like that with your funds? No, not that I am aware of. So that from your personal accounts, money would have to be signed out by you or who else? Except for the investments which I am a partner 5 and have papers for, yes. 6 Has it ever been indicated to you that the Las 7 8 Vegas Ranch Club land investment had another purpose? Not that I know of. 9 10 a Have you ever had any discussions with Mr. Hersh 11 regarding a possible other purpose for the Las Vegas Ranch 12 Club? 13 Not that I remember. At any time has anybody indicated to you that 14 15 the Las Vegas Ranch Club may be involved in making political 16 contributions? Not as I know of. 17 A, 18 Are you aware of the disenrollment procedures 19 at Omni-Rx Health Care? 20

- Of the technical procedure of disenrollment? A
- Q Yes.
- No, I don't know anything about that. A.
- Q Do you ever practice at the Av-E1?
- A. Yes.
- Do you at any time come in contact with anybody Q who takes disenrollment forms?
  - What?
  - Disenrollment forms.



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A No.

Q Do you have any idea of how those forms are filled out or forwarded to the corporate office for the State?

- A. No.
- Are you familiar with the grievance procedure and committee makeup of Omni-Rx Health Care?
- A. I'm aware of it, but not the technical aspects of it.
- Q Have you ever been asked to appear at a grievance committee meeting?
  - A. Not that I can recollect.
- Q Would you have any idea how the committee resolves grievances?
- A Only from hearsay or conversation with other doctors that such a committee does exist, and a member of the prepaid plan has the right to air his grievance with the committee.
- Q To your knowledge, has the medical director asked doctors who are involved or named in a complaint to appear at the grievance committee?
  - A. Repeat that.
- Q If a complaint names a doctor with regard to a grievance, do you know if those doctors have been asked to appear at the grievance committee to explain their side of the circumstances?
  - A I don't know anything about that.
  - You have no knowledge?



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	Page 24
A	No, I don't.
Q	Are you familiar with Arlene James Pruitt?
λ.	The name doesn't strike a bell.
Q	Do you know if the Av-El Clinic has a social
worker?	
A.	I do not know definitely.
Q.	Have you heard anything through hearsay that
they have a	a social worker?
A.	I think they do. I'm not sure.
Q.	Would you know anything about the circumstances
regarding h	ner initial hiring?
A.	I know nothing.
Q.	Are you familiar with the name of Fred Santiago?
A.	No.
Q.	Rick Atkins?
A.	No.
Ø.	Doris Taylor?
A.	No.
Q	Or Shirley Gray?
A.	No.
Q.	Have you ever heard of any problems with regard
to personne	el, such as a physician's assistant, who is re-
quired to b	be licensed, performing functions of a physician's
assistant w	vithout being adequately licensed?
A.	No.
Q	Have you yourself learned of any complaints
regarding p	possible improper enrollment activities by in-house

Green?

Q	Have you heard of any such thing?		
A	No.		
Q.	Do you know a William A. Burke?		
A.	I know of him.		
Q.	And we are speaking of Yvonne Brathwaite Burke's		
husband	<b>?</b>		
A.	Yes.		
Q	And do you know if he is employed by Omni-Rx		
Health	Systems or Health Care?		
A.	No, I don't know that as a fact. I have heard		
that.			
Q	Have you ever heard of an entity called Compre-		
hensive	Planning Consultants or California Physicians Con-		
sultant	s?		
A.	I have heard of that, yes.		
Q.	Have you heard of Comprehensive Planning Con-		
sultants?			
A	I have a recollection of something of that		
nature.	I will put it that way.		
Q	Do you have any other knowledge of what the		
entity	is?		
A	No, I don't have any personal knowledge of it.		
Q	Have you ever heard of the entity California		
Physicians Consultants?			
A.	No.		
Q	Have you ever met a Mr. Bill Green or William		
	· · · · · · · · · · · · · · · · · · ·		

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Yes.

Ď.	And is this gentleman a State Senator?	
λ.	Yes.	
Ď	Have you ever seen him at any of the Omni-Rx	
affilia	ted or related entities?	
A.	No.	
Q.	Have you ever met a Mr. Dave Cunningham?	
A.	Yes.	
Q	Is this Dave Cunningham either a Supervisor or	
City Cou	uncilman for Los Angeles?	
A.	I think he is a City Councilman.	
ð	Have you ever seen him at Omni-Rx related fa-	
cilities	3?	
A.	No.	
Q.	To your knowledge, have these gentlemen that	
I just m	mentioned, Burke, Green, or Cunningham, provided ser-	
vices th	nrough Omni-Rx?	
A.	I know nothing of any services provided by those	
gentlemen.		
Q	Are you familiar with Omni-Rx attempting to	
secure a	Federal HMO Proposal Certification or loan?	
A.	I'm not familiar with it. I know of it.	
Q	And do you know if Mr. Burke has had any involve-	
ment wit	th that?	
A.	I know nothing of that.	
Q	Do you know if Jackie Carrie Wilkinson has	
had any involvement with that?		
· A.	I don't know any Jackie Carrie Wilkinson.	

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No.

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٥	Have you ever heard of a family planning grant
proposal?	
A.	No, not to my recollection.
Q.	Or a drug abuse proposal?
A.	What are these in connection with?
Q.	These are proposals to receive some kind of
governmenta	al money for programs.
A.	I've heard of these, yes, but I know nothing
about them.	, and the second
Ø.	Do you have any knowledge as to Omni-Rx Health
Care's of H	lealth Systems' attempt to secure funding under
those progr	rams?
A.	No.
Q	Would it be the same answer with regard to
a health ma	anpower proposal?
A.	No, I know nothing about that.
Q	Have you ever heard information concerning pos-
sible stock	ownership by some type of State official, whe-
ther electe	ed or appointed or civil service?
A.	No.
Q.	I'm talking about stock or equity ownership in
Omni-Rx Sys	tems.
A.	No.
<b>Q</b>	You don't know of any stock ownership in Omni-Rx
by a State e	elected or appointed official or civil servant?

When a patient comes into the medical group,

I understand he is given a chart. He is set up.

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A chart is set up for that patient, yes.

And the chart is set up initially on a code basis with regard to what kind of patient it is; for example, fee-for-service as compared to PHP, as compared to Workers Compensation?

There is a code number for each type of patient, yes.

If a patient were to come in initially as a prepaid patient and then at some time later come in with regard to a lawsuit, would he receive a new chart, based on the fact that this was now a legal-medical problem as compared to just a PHP problem?

I don't know. A.

You are saying you don't know what the medical group would do in that situation?

No, I don't know.

When you examine a patient, you do talk to them; Q don't you?

A. Yes.

And at some time, medical history is taken; is that correct?

> A. Yes.

Is this by you or a physician's assistant?

Both.

And if it has been indicated to you by a patient through the medical history that he was a PHP patient before and now he is in for this medical-legal problem, would you, if you saw a blank chart otherwise, would you request that

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the medical record section see if there was a previous chart set up for him?

- No, I wouldn't, no.
- There would be no medical reason to have a chart with the full prior history if he is in for one specific reason now?
- I take the history from the patient. If there is any medical reason that I would need a documented record. I would request it, whether it be from a prepaid or hospital or another doctor or what have you.
- But not in all cases would you request any other charts that might be on this patient within the system as a normal course of business?
- No, I wouldn't request any chart unless it was that it had something to do with the patient's medical well-being.

MR. RICHELSON: Off the record. [Discussion off the record.]

[By Mr. Richelson] If hypothetically I came in with a broken foot, and I indicated to you in my medical history that I had been into the clinic three or four times for routine physical examinations, and I had no allergies, no reactions to penicillin, and I was not a diabetic, and I was just the classic person that we have coming in for a broken foot, then you would have no reason to call for the second chart?

- No.
- I assume if I came in and I started indicating

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to you that I had numerous reactions to medications, and I was not sure if I was allergic to penicillin, that I just couldn't remember, but I knew that I might be, at that time, you would call for the chart?

I probably would, and I would ask what doctor, and then I would converse with that particular person.

So it is then a medical decision to see the second chart rather than just a normal standard course of business?

A. Yes.

> Can we go off the record here? MR. RESNIK: MR. RICHELSON: Sure.

[Discussion off the record.]

[By Mr. Richelson] Doctor, are you aware of what procedures are used with regard to billing when a prepaid health patient may receive funds or does receive funds from a third-party liability insuror?

No. I do not handle any billing or have any responsibility for billing or collecting of fees or any of that. All I do is practice medicine. This is handled by the administrative staff.

So you have no idea how charts are reconciled or any of that?

No.

How many doctors are in the Imperial West Medical Group Partnership?

I don't know.

Do you have any idea?



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S. Olive Street, Suite 307-309, Los Angeles, Calif. 900

A. You see, you are asking me other people's business, and I do not know other people's business. All I know is my own.

- Q How are partnership decisions made?
- A. Decisions?
- Q Yes.

A. They are made at meetings. Decisions are made by the officers in the partnership with agreement or concurrence with those members in the partnership. Again on partnership agreements, I sign mine. I do not know what the other physicians have done. Some of them have, and some of them have not. I haven't gone and qustioned them and asked them if they have signed the agreement.

- Q To your knowledge, does your agreement give you yoting.; rights with regard to certain activities or any activities?
  - A. Yes.
- Q And are you also consulted before such activities are done?
  - A Now, what activities?
  - That your consultation is required on.
- A Again, you are asking me -- I don't know what is required and what is not required.
- You did sign a written agreement as a partnership member?
  - A. Yes.
  - And you do have such a copy?
  - A. Yes.



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506 S. Olive Street, Suite 307-309, Los Angeles,

But not with you today?

No, not with me today.

If we were to request it, would you be willing to make that available for us?

Certainly.

MR. RICHELSON: At this time, if there is any statement that you would like to make, we will have the record open for you now to do so.

MR. RESNIK: Off the record.

[Discussion off the record.]

THE WITNESS: I don't know why I am here. don't know what it is all about.

I am a physician with a group of physicians in a partnership that practice medicine. That is the only thing that I can say.

I know that we have arrangements for investment situations and proposals for the group, and we have other arrangements, as any other medical group may have.

> MR. RICHELSON: Okay.

Generally, the depositions are required to be signed in front of the notary who took the deposition, but the Department would have no objection to any notary, Mr. Resnik.

> MR. RESNIK: So stipulated.

MR. RICHELSON: We would like you to understand that we thank you for your cooperation in coming downtown today to the Department.

The subpoena is still in effect would we need



606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

to call you again, and we will now close this deposition at 11:06.

[Whereupon, at 11:06 a.m. the deposition was concluded.]

Witness



Telephone 825-7815 506 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

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On		,	1976	,
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the foregoing deposition was submitted to DR. ROBERT M. HIGGINBOTHAM, the witness, for examination and was read by him, at which time any changes which he desired to make were entered upon the deposition, and that thereafter the deposition was signed by the witness before me.

Notary Public in and for the County of Los Angeles, State of California.

My Commission Expires:



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## OLK COURT REPORTERS Catified Deposition Notari

506 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA )

COUNTY OF LOS ANGELES )

I, JULIE C. GOSNELL, CSR NO. 2943, a notary public for the County of Los Angeles, State of California, certify:

That the foregoing deposition of DR. ROBERT M.

HIGGINBOTHAM was taken before me pursuant to Subpoena, at
the time and place herein set forth, at which time the
witness was put on oath by Mr. Richelson;

That the testimony of the witness, and all objections made at the time of the examination, were recorded stenographically by me and were thereafter transcribed;

That it was stipulated by counsel that said deposition may be read, corrected and signed by the witness before any notary public in and for the State of California; and

That the foregoing deposition as typed is a true record of the testimony of the witness and of all objections made at the time of the examination.

IN WITNESS WHEREOF, I have subscribed my name and affixed my seal this 16 day of December, 1976.

Quelie & Josnell CSR NO. 294

Julie C. Gosnell





# POLK COURT REPORTERS Catified Deposition Notaries 606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

Telephone 625-7615

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. 'Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience has shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. . . .

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We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States; . . . and that as free and independent States, they have full power to levy war, conclude peace, and do all other acts and things which independent States may of right do. And for the support of this Declaration, with firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor. . . .

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

BICENTENNIAL 1776 — 1976

OF THE

DEPARTMENT OF CORPORATIONS

STATE OF CALIFORNIA

In the matter of an examination and investigation of

OMNI-RX HEALTH CARE, INC.

and of its books, records, accounts and other papers.

> 600 South Commonwealth Avenue 16th Floor Los Angeles, California 90005 Tuesday, November 9, 1976 1:45 p.m.

Deposition of

DR. CRANFORD SCOTT

Taken by

MARK P. RICHELSON, ESQ.

Reported by:

JULIE KAMENS, CSR NO. 2987



Deposition of DR. CRANFORD SCOTT, called as a witness by the Department of Corporations of the State of California, taken before Julie Kamens, CSR No. 2987, a notary public in and for the County of Los Angeles, State of California, at 600 South Commonwealth Avenue, 16th Floor, Los Angeles, California, on Tuesday, November 9, 1976, at 1:45 p.m., pursuant to Subpoena.

## APPEARANCES OF COUNSEL:

For	r Department
of	Corporations:

MARK RICHELSON, ESQ. 600 South Commonwealth Avenue 16th Floor Los Angeles, California 90005 739-2492

## For Dr. Scott:

MARK A. RESNIK, ESQ. 11616 South Hawthorne Boulevard Hawthorne, California 90250 772-8381



## INDEX

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606 S. Olive Street, Suite 307-309, Los Angeles, Calif. 90014

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WITNESS

DR. CRANFORD SCOTT

[By Mr. Richelson]

EXAMINATION

EXHIBITS

[None]



506 S. Olive Street, Suite 307-309, Los Angeles, Calif. 9001

## -

## PROCEEDINGS

MR. RICHELSON: This is a deposition in the matter of an examination and investigation of Omni-Rx Health Care,
Inc. To be deposed is Dr. Cranford Scott.

Dr. Scott is present, also present is his attorney, Mark A. Resnik. Present for the Department of Corporations is Corporations Counsel, Mark Richelson.

We are located at the 16th Floor, 600 South Commonwealth Avenue, Los Angeles, California.

Today's date is November 9. It is approximately 1:45 p.m.

Dr. Scott, if you would raise your right hand.

You do solemnly swear the evidence and testimony you shall
give shall be the truth, the whole truth and nothing but the
truth so help you God?

THE WITNESS: I do.

MR. RESNIK: My name is Mark Resnik. I am an attorney and I am here today representing Dr. Scott as his counsel pursuant to his request. I am employed by Omni-Rx Health Systems as its house counsel and am appearing here on Dr. Scott's behalf with the consent of the company.

MR. RICHELSON: But you are not appearing here for the company?

MR. RESNIK: I am not appearing on behalf of the company.

MR. RICHELSON: Thank you, Mr. Resnik.

ANTE

S C O T T, called as a witness CRANFORD by the Department of Corporations of the State of California, being first duly sworn, was examined and testified as follows:

## EXAMINATION

BY MR. RICHELSON:

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- Dr. Scott, could you please state your full name?
- My full name is Cranford, C-r-a-n-f-o-r-d, LaVern, L-a-V-e-r-n, Scott, S-c-o-t-t.
  - And you are a doctor? Q
  - I am a medical physician.
  - Q And you are Board certified?
  - I am Board certified in internal medicine. A.
  - Could we have your home address, please? Q
- My home address is 3883 South Cloverdale, Los A. Angeles, California, 90008.
  - And if we could have your home phone number? Q.
  - 293-9266, area code 213.
  - And if we could have your business address.
- My business address is 12714 South Avalon Boulevard, Los Angeles, California, 90061. The telephone number there is 777-8385.
- Could you state your present position with Omni-Rx Health Care, Inc.?
- I am employed -- not employed -- I have a contract to provide medical services as an internist, and



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also function in an administrative capacity as Medical Director of the Omni-Rx Health Care Incorporated. Now, are you the medical director of Omni-Rx Health Care, of just of the Av-El Clinic?

of the Av-El Clinic as well as of Health Care, Inc.

- So it is of the total Health Care, Inc.? Q.
- A. Yes.
- As well as Av-El? Q
- A. Yes.
- Your offices are located at Av-E1? Q
- That's correct.
- When did you first become employed or under Q. contract to Omni-Rx Health Care?
- I was first employed just as a physician, contracted as a physician September 1st, 1973.
- And during your time at Omni-Rx, have you been both a physician and a director?
- I was primarily a physician. I initially was given a title of medical director of Av-El sometime in '74, I really don't remember the exact time in '74. With regard to becoming medical director of Omni-Rx Health Care, it was in January of '76.
- Dr. Scott, are you familiar with a man by the name of Joe Thompson?
  - Joe Thompson, sure.
  - Could you tell me how you know Joe Thompson?
  - I met him first at my babysitter's. We use the



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same babysitter.

- Now, have you ever met him professionally?
- A. I met him professionally in March or April of '75, I guess it was. He was introduced by me as a potential administrator of Av-El Medical Center.
  - Q. And did Mr. Thompson ever become hired by Av-El?
- A. He was hired sometime after that interview, exactly the date that he was hired I can't say.
  - Q Do you remember the position he originally held?
- A. He was initially an interim administrator, and three or four months later he was given the title as Administrator of Av-El.
  - Q And do you know how long he remained there?
- A. Until sometime in November of the same year, exactly the day he left, I can't say.
  - Q Do you know the reasons for his termination?
- A. It was my understanding that Joe was great with details, but with regard to management and operations of the clinic in itself I felt that he fell short in that capacity.
- Q Did you have any part in his hiring, any function in his hiring?
- A. With regard to interviewing him and introducing him to the other physicians and saying, "Yes, we will go with him." Yes, if that's what you call --
  - Q Do you need anybody else's approval to hire him?
- A I don't think so. I didn't like to think that I did.
  - Q In other words, you did not have to refer the



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matter to Mr. Newell or anybody from corporate headquarters?

A. No. As a matter of fact he was brought from the corporate headquarters to us to say that he could work at Av-El.

Q Is it your understanding you had the final decision?

- A. Yes.
- Q Did you make the decision to terminate him?
- A. Shall I say partially, with regard to giving some appraisal of his work.
- Q Did you make any recommendation to anybody to terminate him or --
  - A. No.
- Q You say, "partially," do you know who else had a hand in determining that Mr. Thompson be terminated?
- A. The final order came from the corporate office, the people that were in charge with regard to making that final decision was myself and Harry Standers who was the president of Omni-Rx Health Care. You probably know his name.
  - Q Are you familiar with a Mr. Roy Hollins?
  - A. Yes. I am familiar with Roy Hollins.
  - Q And what is Mr. Hollins' position with Omni-Rx?
- A. He is Assistant Vice President in Omni-Rx Health
  Systems and also he is administrator of Av-El.
- Q Did he take over administration of Av-El after Mr. Thompson left?
  - A For a brief period of time until we got Nate



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Wilson to take over. It was like a dual operation until,

I think Nate Wilson really took over the capacity of
administrator, like Hollins was considered still the
administrator with regard to the day-to-day operations, Nate
Wilson was really actually running the clinic from an
administrative point of view.

- Q And then you indicated at some point Mr. Hollins became administrator of Av-El?
  - A. Pardon me?
- Q So we have got Joe Thompson leaving, Nate Wilson more or less taking over for the day-to-day operation --
  - A. Yes.
- Q -- and then I would assume that Mr. Hollins was just kind of overseeing?
  - A. Right.
- Q At any time has Mr. Hollins' functions ever gone back to being administrator of Av-El?
- A. Yes. When was it? Sometime in September of this year. I can't remember the dates, mid-September, something like that. Nate Wilson was moved to marketing and Hollins came back as the administrator.
  - Q Do you know what job title Nate Wilson had?
  - A. When?
  - Q When he moved to marketing.
- A. Director of Community Relations and Marketing Director.
- Q Before Roy Hollins became assistant vice president of Systems was he just the administrator of Av-El?



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A Correct.

Q Well, at your employment at Av-El, have you ever heard that Mr. Hollins might be in jeopardy of losing his job?

- A. No, not to my knowledge.
- Q Have you ever indicated to anyone that you had learned that Mr. Hollins received a promotion because he threatened to, "rattle skeletons"?
  - A. No.
- Q Could you have ever made that statement to Joe Thompson?
  - A. Not to my knowledge, no.
- Q Do you know if Mr. Hollins had anything, any job function, with regard to Omni-Rx trying to receive grants either from local, state or federal government?
- A. Yes. When I first went to work there in September of '73 I think part of Mr. Hollins' responsibility was to get some grants with regard to Family Planning or with regards to grants which would be beneficial to the area up there.
- Q Have you ever heard of Mr. Hollins working on a Family Planning proposal?
  - A. Working on it?
- Q Yes. Preparing one or supervising one, supervising the preparation of one.
  - A Yes, but I don't know exactly when that was.
  - Q Would you be able to approximate a year?
- A I guess it was '74. I assume it was. I really can't recall that far back. I really don't remember. I'm



sorry.

Q Have you ever heard of a Drug Abuse program?

A Yes.

Q Would Mr. Hollins have worked or supervised on that program?

A He had some dealings with that, exactly what capacity I really don't know.

Q Just to clear up for the record. We talked about the Family Planning proposal, did you indicate that you knew he had some relationship to it, or did you indicate you knew what his relationship was to it?

A. To the best of my recollection with regard to the Family Planning Mr. Hollins made contact with people that he knew who had some expertise with regard to writing the proposal. Now, with regard to participating in the writing of the proposal, I do not know how far he went. Does that answer your question?

Q That answers my question. Have you heard of the Health Manpower program?

A I have heard the wording around. I heard the proposal turning around, but as to any knowledge of who had some dealings with it, who was running it or whether it was ever written, I do not know.

Q To your knowledge, has Mr. Hollins indicated to Plan officials or to Systems officials that if he was not promoted they would have serious trouble receiving funding under those grants?

A. To my knowledge, no. Would you just repeat that



again? I am just awed. I mean, the answer is the same,
I am sure, but just repeat that so I can have an indelible
impression of that statement.

MR. RICHELSON: I think there is something both you and Mr. Resnik should understand. When I ask you a question it does not necessarily mean that I am imputing it to be a fact.

MR. RESNIK: Is it to impute that somebody has told you that it might be a fact?

MR. RICHELSON: I just don't want anything to come out of this deposition, for people to think of something that would be libelous or slanderous, because we are just asking the questions in an effort to obtain information.

- Q [By Mr. Richelson] Are you familiar with a Mr. William A. Burke?
  - A. Yes.
- Q And is he the director of New Business Development for Omni-Rx?
  - A That's his correct title.
- Q Had he at one time been the marketing director or executing director of Omni-Rx?
  - A That's correct.
- Q Do you know when Mr. Burke was first employed by Omni-Rx in regard to his marketing function?
- A Sometime in '75. With regard to the exact date

  I really can't say. It was sometime when the State said

  that we had to have in-house marketing. We went out and

  started to find someone to come in and do in-house marketing,



so sometime after June of '75, that's about the best I can give you with regard to that.

- Q Do you know if Mr. Burke was associated with Omni-Rx before that?
- A. If he was, I don't know. I didn't meet him until after he came there.
- Q Do you know how much Mr. Burke was paid for his work on an HMO Proposal?
- A. No. Pre you implying he got paid for that? I don't know. Are you telling me this?
  - Q No. I am asking the question.
  - A No. I don't know.
- Q Have you ever heard information that Mr. Burke may have received \$50,000 for his work on the federal HMO Proposal?
  - A No, I haven't.
- A Have you ever been approached by any of the employees of the Plan, or its directors or officials with regard to making campaign contributions to political figures?
- A. Employees of the Plan -- I'm sorry. I don't understand.
- Q. Okay. Let's start with a couple of understandings. When I say, "Plan" a lot of times I am going to mean Systems as well as the Plan.

Have any of the directors of Health Care or

Health Systems, have they ever approached you about making
donations to political figures?

A. Not directly. If I may give you some insight as



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to how political contributions are made. No money from Systems or from Care is given to political contributions. We have a partnership which does make political contributions. our business manager is responsible for such contributions.

- What would the partnership name be? Q
- Imperial West Medical Group.
- And who would the business manager be?
- Merv Newell.
- And are you a member of the Imperial West Medical Q. Group partnership?
  - Yes, I am. A
- Is that something different than the entity, Imperial West Medical Group that is a clinic that is one of the Omni-Rx providers?
  - Would you restate that, please. A
- There is an entity that provides medical services Q. and that is Imperial West Medical Group; is that correct?
  - Right.
- Is that the same partnership that makes the political contributions?
  - That is correct. A. Yes.
- Now, is your employment contract -- who is your employment contract with?
- I have an employment contract, I am a member of Imperial West Medical Group.
  - You are a member of the partnership? Q.
- Yes. I am a member of the partnership and that's my association, I guess, with the Group.



Q You are a partner of Imperial West Medical Group and as a partner of Imperial West Medical Group you have the title of director of -- I forgot the exact term.

- A. Medical Director.
- Q You are Medical Director of Health Care?
- A. Right.
  - Q Medical Director of Av-El?
  - A. Right.
  - Q And you perform services at Av-El Medical Clinic?
  - A. And at Imperial West.
- Q But you are not the actual medical director of Imperial West?
- A. There is no medical director there. I function with regard to resolving any medical problems that may arise out of there.
- Q Would you know if any of the doctors who are affiliated with Omni-Rx Health Care or Health Systems have made political contributions, excluding any contributions made by Imperial West?
- A. Not to my knowledge. I am sure you wouldn't know if one of your attorneys made political contributions to someone else, so why should I?
- Q And are doctors Koch, Dickstein and Marcovitz partners in Imperial West?
  - A Are they partners in --
  - Q Imperial West Medical Group.
  - A Yes. That's right.
  - Q. Have you ever met a Gary Bachelor?



Hollins?

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daly: I have met him, but.
Q And was he at any time employed by Omni-Rx?
A. He has not been physically employed per se,
and whether he was on a contracting service, I really don't
know. He has done work with regard to whether that was
as an employee or as a consultant, I think it was probably
as a consultant and that may have been indirectly through
someone else.
Q Do you know if he has worked on any of the
proposals I mentioned previously?
A I think that he had done some work with regard
to the Family Planning.
Q Would you know if he had done any work with
regard to the others?
A. To my knowledge, no. I would not know.
Q And have you ever met or do you know an Ernest
Preacely?
A I do know Earnest Preacely.
Q And do you know him from your work at Omni-Px
Health Care or Av-El?
A. I have met him and treated him as a patient at
Av-El Medical Center.
Q Do you know if Mr. Preacely has consulted or
been employed by Omni-Rx in the writing or securing of
grants?
A. To my knowledge, no. I did not know.

Do you know if Mr. Preacely is a friend of Mr.

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I think that they are with regard to, I have seen him in Mr. Hollins' office at Av-El and he has come to see me as a patient, so I assume that he knows them.

Does Mr. Preacely make daily visits to Mr.

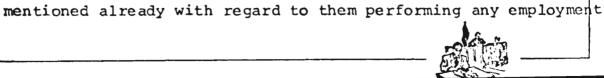
I haven't seen him myself in four to five No. months and whether Hollins has seen him since that I do not

Are the medical facilities on the first floor at

- Second and third.
- Second and third?
- As well as the first.
- The part where you would be working at --
- It's on the third floor where Mr. Hollins' office
- And how much time do you spend at Av-El, normally in a week?
  - Three and a half, four days a week.
- So if Mr. Hollins were to visit, let's say in the morning, would you probably have occasion to see him?
  - Mr. Hollins?
  - Excuse me. Not Mr. Hollins, Mr. Preacely.
  - I would have occasion to see him. Yes.
- And you say that in the last four or five months you have not seen him?
  - No.
  - Are you familiar with a Mr. Dave Cunningham? Q.



1	A. He is a councilman for the district where I
2	live.
3	Q Would you recognize Mr. Cunningham if you saw
4	him?
5	A. Sure. I rode the plane with him to San Francisco
6	last Saturday.
7	Q Have you ever seen Mr. Cunningham at Av-El or
8	any of the offices of Omni-Rx Health Care or Health Systems?
9	A. I sure haven't. I saw him at Sidney Ware's
10	political dinner. I just saw him on Saturday, I told you,
11	on a PSA flight to San Francisco.
12	Q Do you know if Mr. Cunningham had been involved
13	in any of the programs that I mentioned previously?
14	A. Not to my knowledge.
15	Q · Do you know a Mr. Bill Green?
16	A Bill Green. Oh, Senator Bill Green?
17	Q. Yes.
18	A. That's about all I know about him.
19	Q Would you recognize him?
20	A. I would not recognize him if he walked through
21	this door.
<b>2</b> 2	Q Would you know if Mr. Green has participated in
23	any of the programs or proposals that I have mentioned; the
24	Health Manpower, Family Planning or Drug Abuse?
25	A. Not to my knowledge. I never met the man.
26	Q With regard to Mr. Bachelor, Preacely, Cunningham
27	and Green, would you have any information besides what you



services or consulting services for Omni-Rx?

A I really don't think you mean that. How can you imply that those two, Green and --

Q I would like an answer, please.

MR. RESNIK: You can go ahead and answer it.

If it is no, then it is no. If you know, you can tell him.

A. No. But why would you tie them into the same sentence, whereas I told you that Bachelor I think was and then you are going on to say Green, Cunningham and the other two in the same sentence.

Q [By Mr. Richelson] Besides what you mentioned about Mr. Bachelor, do you have any indication that he has provided any other services, either directly employed or consulting for Omni-Rx?

A. No.

Q Besides what you mentioned, do you have any knowledge or have you heard that Mr. Preacely has provided any services, either as an employee or as a consultant for Omni-Rx?

A Not to my knowledge.

Q To your knowledge, have you heard or do you know if Mr. Cunningham has provided any services or acted as a consultant for Omni-Rx Health Care or Health Systems?

A. Not to my knowledge.

Q To your knowledge, have you heard or do you know if Mr. Bill Green has performed any services or acted as a consultant for Omni-Rx?

A. Not to my knowledge.



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Q When you have a prepaid patient he gets a medical chart, correct, when he comes into the office, and it is coded as a prepaid patient?

- A. Correct. Coded as a prepaid patient?
- Right. Either a color code or a number code?
- A. Correct.
- Q Would it be one or both?
- A. They have yellow charts for prepaid patients and they also have a code.
- Q If a person would come in with regard to an insurance related matter, he would get a different coded chart, correct?
  - A. Right. That is correct.
- Q And if it were to be Workmen's Compensation, again it would be another kind of coded chart?
  - A Correct.
- Now, if a person comes in and he had been on the prepaid plan, and he comes in with regard to an insurance related matter, would a new chart be set up?
- A Prior to 1976, January of 1976 yes. Since January 1976, no.
  - Q So currently he would retain one chart?
  - A. Currently he would have one chart.
- Q Though a new chart was set up, when you saw the patient were you given both charts?
  - A You mean prior to 1976?
  - Q Prior to 1976.
  - A I am trying to recall instances whether I have



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I can't remember instances where such seen such in 1975. has occurred with me, but I would think if the physician, just thinking as a doctor, he would probably want to see the other chart to see what the problem was as well as the new problem. As from actual experiences, I cannot recall such at this time, but I am sure if I had such instance I am sure I would request both charts.

Now, it was my understanding that the charts come from a room where all the charts are kept, correct?

A Medical records. Right.

When you finish using your chart, what do you do with the chart; do you put it in a basket or what?

I put it in a basket. My secretary and my nurse order the charts and they send it back to medical records.

Now, when it gets to medical records, do you Q know if those charts are filed together or filed separately?

I really don't know. I think that they would probably be filed separately with some note in the chart with regard to saying there is another chart, prior to 1975. January of '76, as of now, there is no such filing.

And you say you think that there would be a note Q. in the insurance chart that there was a prepaid chart also?

That is correct.

Now, in a situation like we have postulated, where there is an insurance chart and a prepaid chart, do you know under which chart the Plan would bill?

I really don't know. I have no knowledge as to how that billing was done.



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And would you know who would have knowledge as Q to how the billing was done?

- Probably somebody in the billing office, and I am trying to think who would know, since I have been there long enough prior to that time, we have a large turnover of employees and I am trying to think who was there at that period of time.
  - Is there a lady by the name of Hawthorne?
  - A Who?
    - Hawthorne?
- Yes. She works there, but she started to work after January. She hasn't been there long enough.
- When did you start performing services at Imperial West?
- A. I have been doing it on an on-call basis to cover physicians, I guess for the last year. On a regular basis it is since September.
  - Q And how often do you spend now at Imperial?
  - Wednesdays. A.
- And at Imperial West have you ever met somebody Q. named Margaret Walker?
  - Margaret Walker?
  - Yes.
  - I do not know a Margaret Walker. A.
  - Do you know a Marcie Walker? Q.
  - I do not know a Marcie Walker. A.
  - Or a Shirley Elizabeth Walker? Q.
  - I do not know a Shirley Elizabeth Walker. A



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	Q	Would	you	know	if	there	was	a 1	ady	by	any	of
those	three	names	who	works	at	corp	orate	he	eadqu	ıart	ters	or
at Av	-E1?							1.5				

- Marcie Walker, Shirley Elizabeth Walker -- I'm sorry. I do not recall meeting that named individual at any of the facilities that I have worked at.
- Ok ay. Thank you. Are you familiar with a lady named Arlene James Pruitt?
  - Yes. I know Miss Pruitt. Sure.
  - What is her function? Q.
- She works as a social worker at Av-El Medical facility.
  - Do you know when she was hired? Q
- Sometime in '75. I really don't remember the date.
- Now, do you know if she was hired because there was a vacant position after somebody had been terminated or a position was created and she initially filled it?
- The state was requiring that we have a social worker at this point in time due to the size of our group, and we found someone to fill our state requirements.
- When you say the state was requiring it, they sent some kind of a written notice to the Plan?
- They hadn't sent any written notice, but in talking with our contract manager and saying that new I.M.S. Regulations had come out in July of '75, there was going to be a new need for such.
  - And this contract manager was Mr. Ruiz?



And he indicated that you would need one? Q 2 He did not specifically tell me, "Dr. Scott, 3 you will need a social worker." He was saying that in the I.M.S. Regulations that were coming out there would probably 5 be a need for a social worker. And to the best of your recollection, did he 7 make that statement to you, or was it to somebody at corporate 8 headquarters? 9 Probably someone at corporate headquarters, he did A. 10 not talk to me specifically. 11 Would that probably be Miss Callender or Mr. Q. 12 Newell? 13 Probably Miss Callender. 14 Did you have any duties with regard to the hiring Q 15 of Miss Pruitt? 16 A. No. 17 Did you sit in on her interview? 18 No. 19 Do you know how many people were interviewed for 20 that position? 21 I do not know. That was before I got involved A. 22 with regard to hiring employees. 23 Are you familiar with an entity called the Group 24 Six Investment Club? 25 I am familiar with it. I have heard the term, A. 26 yes. 27

And are you a member of it?

Yes.

A.

Q.

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Yes. A

Are you familiar with an entity called, Las Vegas Ranch Club?

No.

Are you familiar with 11616 South Hawthorne Q. Boulevard Association?

> No. A.

Now, the Group Six is an investment club? a

That is correct, to my knowledge. Yes.

Is this a partnership? a

I don't know if it is a partnership per se, it is investment, something like a prospectus entity with regard to going out and finding possible investments for the physicians of Imperial West Medical Group.

> And who are members of Group Six? a

I really don't know. You really should talk to A. our business manager about that.

> And is that Mr. Newell? Q.

That is correct.

And is Mr. Newell involved with the administration Q. of Group Six?

I would think so, he is the -- yes.

Do you know if Group Six Investment makes contributions to political candidates?

A. I do not know. I am sure Mr. Newell can answer those questions for you.

Do you know if Group Six Investment has any relationship to a Las Vegas Ranch Club?



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A. I never heard that term before, so I am totally ignorant of any inquiries that you may have into that.

Q Have you heard of Group Six investing in a trailer park in Las Vegas or Clark County, Nevada?

A. If so, it was before I got there. I am not a part of this. I would have no interest in any ranch club or trailer park in Las Vegas. They may have, because this entity was prior to my coming there and prior to me becoming a member of Imperial West Medical Group partnership.

Q When did you become a member of the Imperial West Medical Group partnership?

A. January of '75.

Q At the same time that you had become a member of Group Six?

A. No.

When did you become a member of Group Six?

A. I would assume sometime around September of this year.

Q September of '76?

A Yes. Now, whether there were any transactions prior to that time, which includes some Las Vegas Ranch Club, I am unaware of. If you have some information, make me aware of it. I would like to know.

Q Are you consulted about the financial dealings of Group Six?

A No. Like I say, I just became a member as of this year. I was just offered to join into an investment in September of this year, this is my first time so any



dealings prior to that time I have no knowledge of.

Q. At this time do you know if Group Six has somebody who manages their funds or if the members themselves do the managing?

A. I really don't know. You should speak to Mr. Newell about that.

Q Upon joining, do you have to pay an entrance fee or put up any money to join?

A I didn't in September of '76, no.

Q Have you made any contributions?

A. No.

Q Do you know if at any time any of the members have had to make contributions to the fund?

A. No.

MR. RESNIK: They haven't or you don't know.

THE WITNESS: I don't know.

Q [By Mr. Richelson] Do you know if either Health
Systems or Health Care employs a lobbiest in either Sacramento
or in Washington, D.C.?

A. I know of one in Sacramento who is employed by Systems.

Q Who would that be?

A. Mr. Paul Brown. I know of no lobbiest in Washington, D.C.

Q Do you know if any of the officers or directors of Systems has contacted any elected officials, or appointed officials, or civil servant officials who have the ability to make decisions with regard to pending state contracts,



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pending federal applications or T.N.E. computations?

- What's T.N.E.?
- Tangible Net Equity. a
- I have no knowledge of such. A.
- Are you familiar with the disenrollment procedures · Q of the Health Plan?
  - Yes. A.
- And when an enrollee attempts to disenroll, do they Q speak to a specific person who has a job function --
  - We have a disenrolling counselor, yes. A.
- Q. And does this counsel then take, write a disenrollment form for them?
  - That is correct.
- Do people who have a grievance see the same a person?
- Those individuals that have a grievance, just A. a grievance and do not wish to disenroll -- now, what are you asking?
- I am asking you if you were to come into the Plan with a grievance, as an enrollee, would I see the disenrollment counselor?
- You would see the disenrollment counselor, and in addition you would see the administrator of the clinic, myself, in addition you would be most welcome in the grievance committee meeting.
- If a person comes in to make a grievance/disenrollment, he is not sure what he wants to do, he sees the disenrollment counselor?



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Correct. That is correct.

What does the disenrollment counselor do in an effort to help decide what he wants?

He would fill out a disenrollment form if that is what the patient wants and then he will research the problem and invite the individual to come to me if it is a medical problem. If it is a facility problem he would refer him to the administrator and then he will have this individual come to the grievance committee meeting.

Q To yourknowledge, were the disenrollment counselors instructed to encourage people to use the grievance procedure instead of the disenrollment procedure?

Not to my knowledge. They have to fill out a disenrollment form. They have to do that, so I am unaware of such.

Q Are these disenrollment forms then submitted to corporate headquarters?

- They are sent to our 5220 office, yes.
- And from there to Sacramento?
- I assume so. I don't follow them along that far, but I would think so.

Are you familiar with a man by the name of Prentiss Brown?

Prentiss was the first disenrollment counselor that they had, to my knowledge.

Do you know the reasons with regard to his Q. termination?

I really do not know.



Are you familiar with a Nina James?

A. Yes. She was also a disenrolling counselor.

And was Nate Wilson ever a disensollment counselor?

A. Yes.

Q Are you familiar with any problems with regard to disenrollments not being submitted in a timely manner?

A Specifically, no. With regard to where it came from, when it was, what time span, I am really not familiar with that, and which individual was involved, I can't recall.

Are you familiar with the grievance procedure?

A. The grievance procedure per se, now?

Q Yes.

A. The committee, yes. I am familiar with that.

Q If a person has a medical grievance, will they always see you?

A It depends upon the nature of the problem. If it is a GYN problem, then they may go to see the OBGYN guy, if it is a pediatric problem, they will talk to the pediatrician.

Q If this person attends the grievance committee meeting, will the doctor against whom the complaint is made also attend?

A Yes.

Q and with regard to the running of the grievance committee, how is the complaint put to the committee; does somebody stand up and read it, or you know, what is the procedure?



A. What's the procedure. We have an outsider who works along with the chairman of the committee, and we have two of the patients in the program who are also members, and there is a representative from the administration office and myself, and a secretary, and then whoever has the complaint, the enrollee who has the complaint.

Q. Is Binnie Callender also on the committee?

- A She is on the committee, but she also sends her representative most of the time now.
- Q What was that name again, Miss Callender's secretary or assistant?
  - A Shirley Noyes.
- Q Now, once the complaint is read to the committee, is there just a general discussion?
- A. No. The patient is allowed to voice their own opinions in their own words and the physician is allowed to give his side of the story. The patient and the physician talk in front of the committee and whoever is listening may have some other comments, and then a resolution is made at that time.
  - Q Who makes the resolution?
  - A With regard to what now?
- Q With regard to grievances that the enrollee is wrong or right?
- A Well, the patient will say -- well, the whole group does, if the doctor is wrong then the committee says that the doctor is wrong. The patient has last word as to whether they wish to stay in the Plan at this time.



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At some point in time you may want to close a discussion on a complaint because it is no longer fruitful and you are going to another area, another complaint?

It is not run that way. Every complaint is hashed out until we have some determination. We have committee meetings that last three hours.

Now, at any time does anybody say, let's vote on this matter? Are there any votes taken?

There are no votes, no.

Does anybody usually make the initial recommendation as to what to do?

I do if it is a medical problem with regard to connecting some deficiency or something like that.

Do the enrollee representatives ever make recommendations?

I'll say they do.

Q. Do they voice their complaints getting a give and take against employee members of the Plan?

Oh, yes. They are very vocal, very independent individuals. The two ladies that are there are very vocal.

> Q How are these enrollees picked?

They volunteer and they have been the ones who just hung in there for the last three years, they have been faithful about it.

- They receive no payment from the Plan? Q
- A. Not to my knowledge they do not.
- Are you familiar with a Mr. Rick Akins? Q
- Was his name Rick Akins?



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			The second second			HOUSE SHEET AND ASSESSMENT OF THE PARTY OF T			
Q.	Well,	the	name	I	am	using	is	Rick	Akins.

- There is a guy named Akins. A.
- Are you familiar with Mr. Freddy Santiago? Q.
- I know Freddy very well.
- Are you familiar with a Shirley Gray? Q
- I know Shirley Gray. Yes. A.
- With regard to any or all of those three, did a medical audit reveal that they were not licensed to perform the functions that they were performing? Let me specify for you. When Mr. Santiago was originally hired was he hired as a physician's assistant?
- He was hired as a physician's assistant to function in the capacity as a history taker.
- To your knowledge, did a medical audit reveal that Mr. Santiago did not have the proper state license to act as a perceptor or physician extender or physician assistant?
  - I think so, yes.
  - Was this made known to you?
  - Yes, it was. A
  - And what did you do at that point?
- He was given another position. He was no longer A allowed to function in that capacity.
  - Do you know who hired Mr. Santiago? Q
  - I brought him there.
- Did the Plan conduct any background check to see if Mr. Santiago had the proper license?
  - No, it didn't.



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Did you know if he had the proper licensing at that time?

- Did I know? No.
- Yes. Q

I knew that he was a Philippino physician and A. I did not know, nor did I really investigate to the point to see whether he was properly licensed here in the State of California to function as a physician assistant, but I hired him initially as a physician's assistant to do history taking which to my knowledge was not a real requirement of the State of California to have a license for such.

- Q. With regard to Shirley Gray was she also hired as a physician's assistant?
- She was hired as a physician's assistant and she worked in the capacity as a physician's assistant on the extended perceptorship from Martin Luther King Medical She took her Board the first time and was unsuccess-Program. ful, and then she took the Board the second time and was also unsuccessful, she did not pass, so she was relieved of her duties as such.
- During the time she was taking her first Board and her second Board, it was your understanding that she could function as a physician's assistant?
- She was functioning on an extended perceptorship. An extended perceptorship is someone that has their required training as a physician's assistant and they are allowed to take the Boards and they are given what is fitted to be an interim license until they have passed the Board and then



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they are released and they work independently with their license. Q. And are you familiar with a Mr. Rick Akins? A. Yes. And was he also working as a physician's Q. assistant? He only worked as a phlebotamist. A Are you familiar with a Doris Taylor? Yes. A. What is her position? Q She is my physician's assistant. A Did she ever work in an extended perceptorship? Q She did her internship with me. A To your knowledge was she ever working for Av-El without proper certification or licensing? To my knowledge, no. She did an internship, and A then she took her Boards and she passed them. And while she did her internship was it permissible to work in the capacity that she was? Yes. Are you familiar with a pharmacist by the name Q. of Gardner? I know a pharmacist named Gardner. A Was he at one time a pharmacist provider for the Health Plan? Yes. Have you ever received any complaints regarding Q.

Mr. Gardner according to the following type of factual

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situation: A patient is given a prescription, the prescription is called into the pharmacy, when the patient reaches the pharmacy the patient is informed that the prescription has been picked up by somebody else?

- A. I am unaware of that.
- A Have you heard of any complaints or grievances regarding patients receiving improperly filled prescriptions from the Gardner Pharmacy?
  - A. I am unaware of that also.
- Q Have you received any complaints with regard to the Gardner Pharmacy?
- A. The complaints I got were from emergency room prescriptions with regard to patients who would be given prescriptions at night and the pharmacy was closed and they couldn't get their medication until the next day. I got those complaints.
- Q That doesn't involve the Gardner Pharmacy, does it?
- A. Yes. This was when we were using him at night.

  Another complaint was that he would have a tape recorder where you would call in the prescriptions and the answer phone never worked so the patient never got the prescription, because apparently it never got transcribed to his answer phone. Those are the only ones I am familiar with.
- Q Are you familiar with a podiatrist by the name of Bleiberg?
  - A I know the name, that's about it.
  - Q During your time at Av-El, in the Health Plan,



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has he been a provider?

No. I am responsible for all outside referrals and I have never referred a patient to Bleiberg.

- Have you ever heard of people by the name of a Fatoul, F-a-t-o-u-l and Pingree, P-i-n-g-r-e-e?
  - I don't know them. No. A.
- Have you heard of complaints or problems regarding enrollments where the enrollee states that he did not fill out the enrollment form, that the signature is not his?
- A. I am unaware of that. I really have very little to do with marketing.
- At this time I would allow you to make any statement if you would like to make one.

MR. RESNIK: Do you want to add anything with respect to any of the areas that he has asked you questions about? You can look at my notes if you want to and see if you want to say anything about it.

I think I probably should say something with regard to this Bleiberg. I know the name. I am aware of what was written in the paper in July of '76 and in August of '76, which was very well expounded in the San Francisco Chronicle paper with regard to Mr. Bleiberg being a provider for us. I myself never referred a patient to Mr. Bleiberg. He saw one patient that was for toenail clipping and he saw that patient in December of '73, and as a follow-up once in March of '74. The year may be '74 and '75. Since I became medical director we have not used Mr. Bleiberg and that was the only patient that Mr. Bleiberg

MR. RICHELSON: Although I have no further questions at this time, I would like you to understand that the Department considers that the Subpoena is still in effect in case we do have to call you back for further questioning. Generally, the deposition is signed in front of the notary who took the deposition. . Mr. Resnik?

MR. RESNIK: Stipulate to any notary.

MR. RICHELSON: Thank you. In that case, we will close the deposition at 2:45 p.m.

[At 2:45 p.m. the deposition was concluded.]

WITNESS



On \_\_\_\_\_\_, 1976

the foregoing deposition was submitted to DR. CRANFORD SCOTT, the witness in the aforesaid deposition, for his examination;

At which time the deposition was read by him, and any changes he desired to make were entered upon the deposition; and

Thereafter the deposition was signed by DR. CRANFORD SCOTT before me.

Notary Public in and for the County of Los Angeles, State of California



### REPORTER'S CERTIFICATE

STATE OF CALIFORNIA ]

COUNTY OF LOS ANGELES ]

I, Julie Kamens, CSR No. 2987, a notary public in and for the County of Los Angeles, State of California, certify:

That the foregoing deposition of DR. CRANFORD SCOTT was taken before me pursuant to Subpoena at the time and place herein set forth, at which time the witness was put on oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That it was stipulated by counsel that said deposition may be read, corrected and signed by the witness before any notary public in and for the State of California; and

That the foregoing deposition as typed is a true record of the testimony of the witness and all objections made at the time of the examination.

IN WITNESS WHEREOF I have subscribed my name and affixed my seal this 12th day of November, 1976.

OFFICIAL SEAL
JULIE J. KAMENS
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires July 16, 1978

Julie Kamens, CSR No. 2987



# POLK COURT REPORTERS Catified Doposition Notaries

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. 'Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience has shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. . . .

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States; . . . and that as free and independent States, they have full power to levy war, conclude peace, and do all other acts and things which independent States may of right do. And for the support of this Declaration, with firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor. . . .

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We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

1776 — 1976

# STATEMENT OF LAWRENCE HALL, M.D.

I, LAWRENCE HALL, M.D., was associated with Imperial West Medical Group from March 1975 until January 1977. I have never been a partner in Imperial West Medical Group.

I never authorized Imperial West Medical Group to make any political campaign contributions in my name, and I was not informed that Imperial West Medical Group had made such contributions at any time prior to February 2, 1977.

DATED: February 7, 1977.

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LAWRENCE HALL, M.D.

### STATEMENT OF ANITHA MITCHELL, M.D.

I, ANITHA MITCHELL, M.D., became associated with Imperial West Medical Group on or about August 1, 1974. I have never authorized a political campaign contribution in my name by Imperial West Medical Group either before or after the fact. I was not aware that any contributions were made in my name until I received a letter from the Jimmy Carter campaign thanking me for my contribution. I do not recall any partners' meeting of Imperial West Medical Group where the partners decided to make any political campaign contribution.

DATED: February  $\underline{\mathcal{I}}$ , 1977.

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anth / Like, K.D.

## STATEMENT OF KENNETH GEIGER, M.D.

I, KENNETH GEIGER, M.D., have been associated with Imperial West Medical Group since October 1, 1973. From that date to the present, I have never authorized the making of any political campaign contribution in my name by Imperial West Medical Group. I was not informed at any time prior to December 15, 1976 that any contribution had been made in my name. I have never received any accounting from Imperial West Medical Group or any other source regarding expenses incurred by Imperial West on my account.

DATED: February S., 1977.

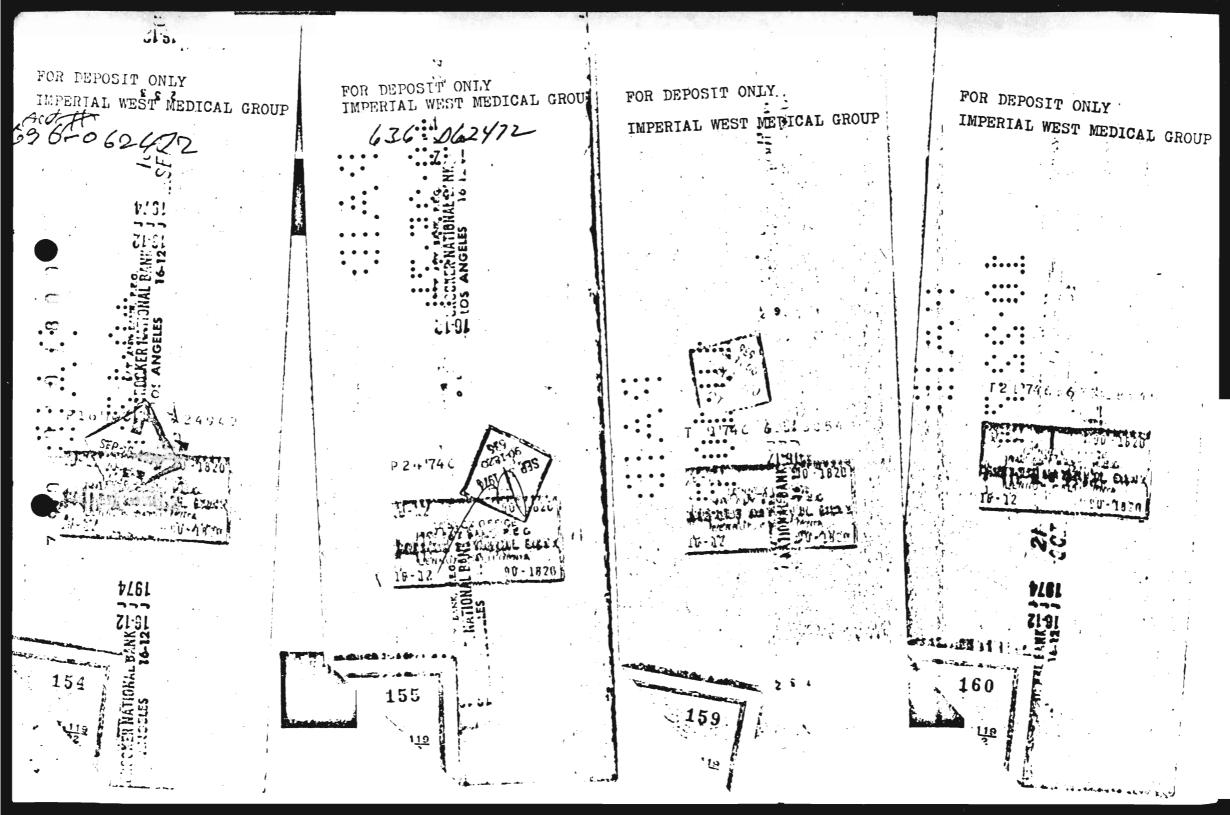
KENNETH GEIGER

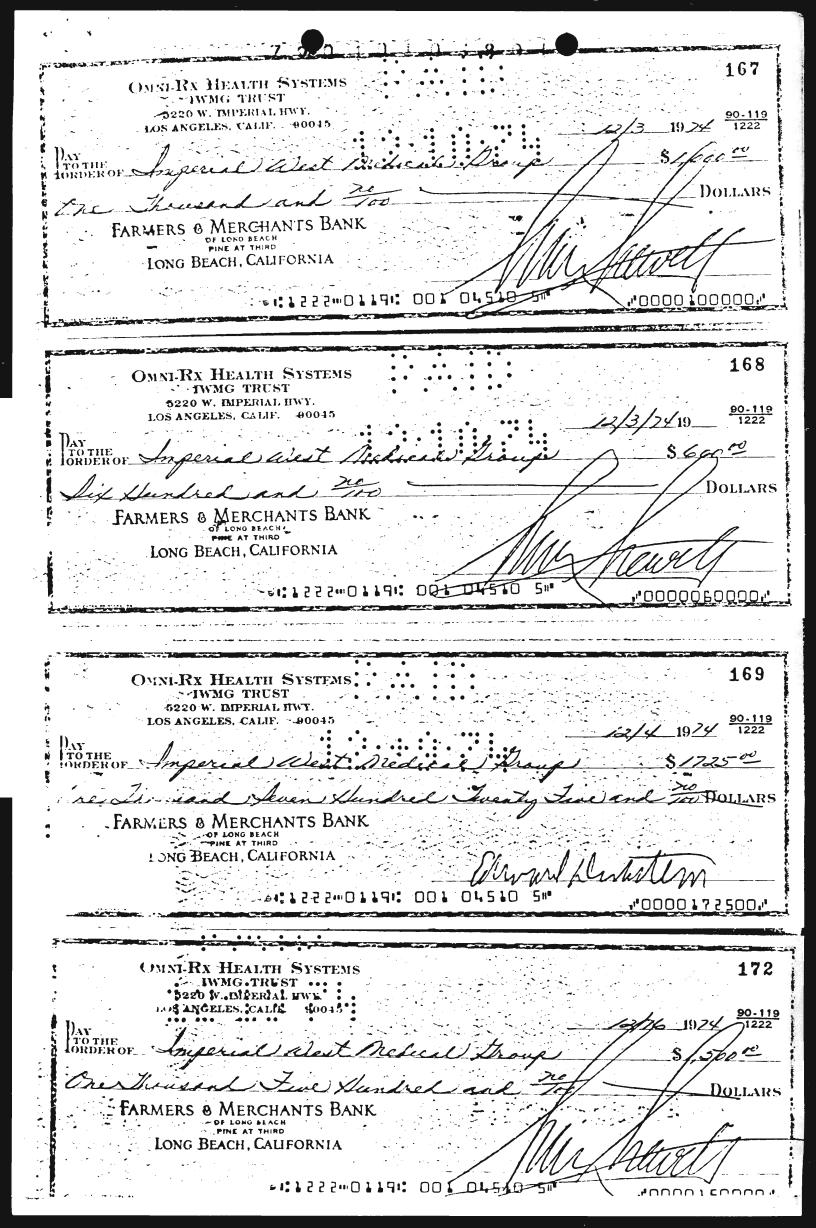
### STATEMENT OF BARNETT GRIER, JR., M.D.

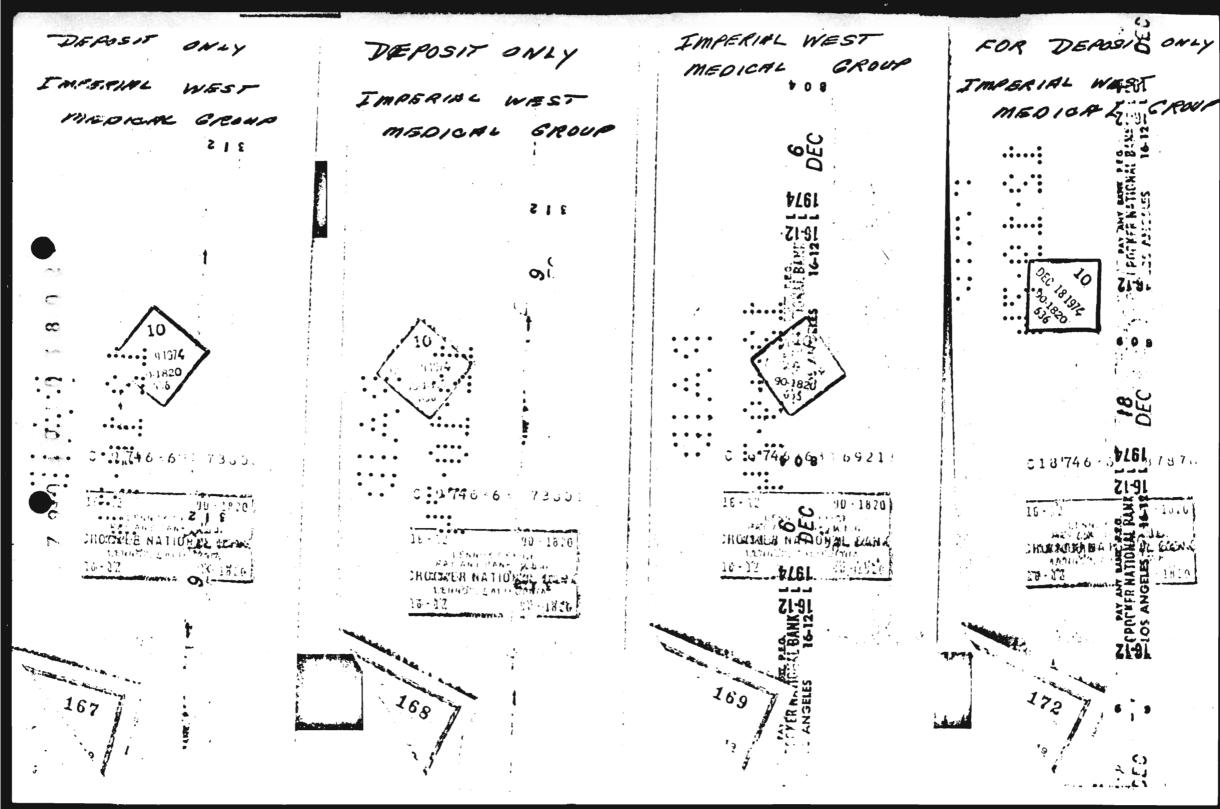
I, BARNETT GRIER, JR., M.D., was associated with Imperial West
Medical Group from January 1974 until September 30, 1976. I have never
authorized the making of any political campaign contribution in my name
by Imperial West Medical Group. I was never informed that any contribution
had been made in my name. I have never received any accounting from
Imperial West Medical Group or any other source regarding political contributions allegedly incurred by Imperial West on my account.

DATED: February 8, 1977.

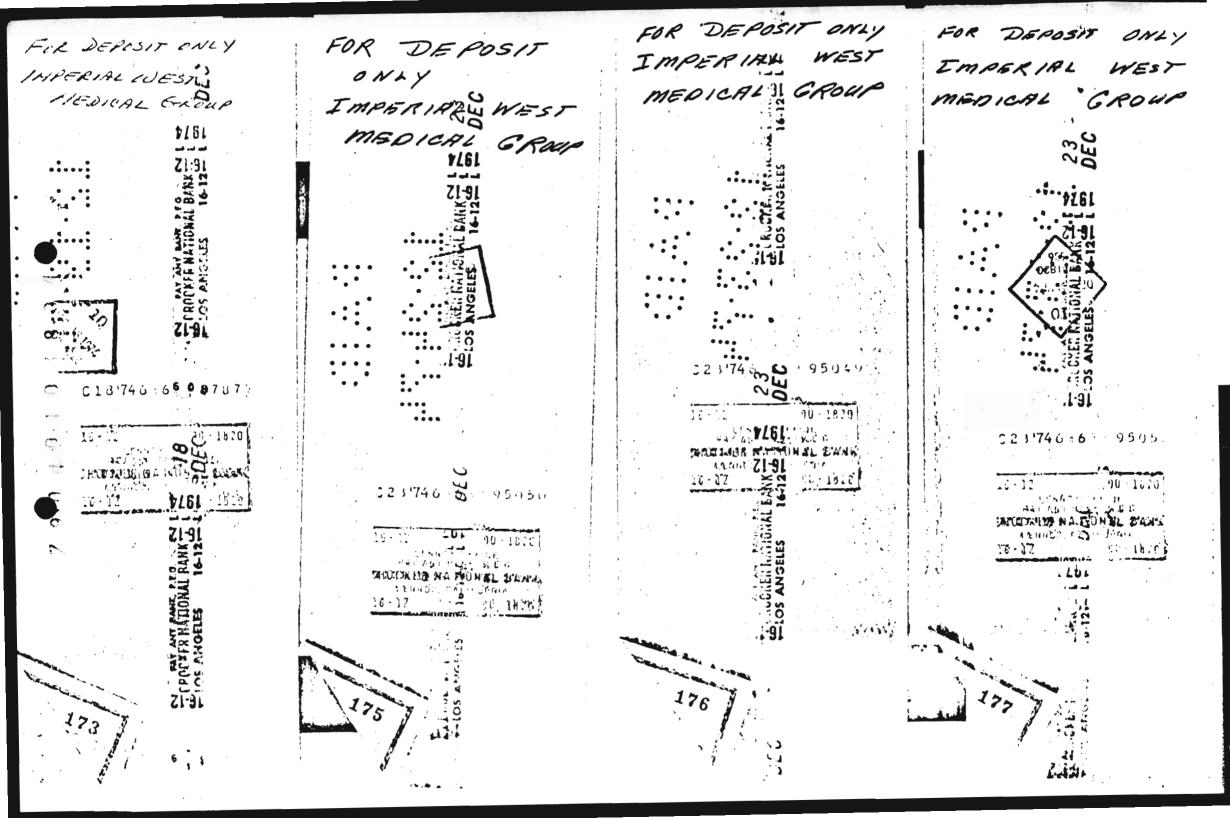
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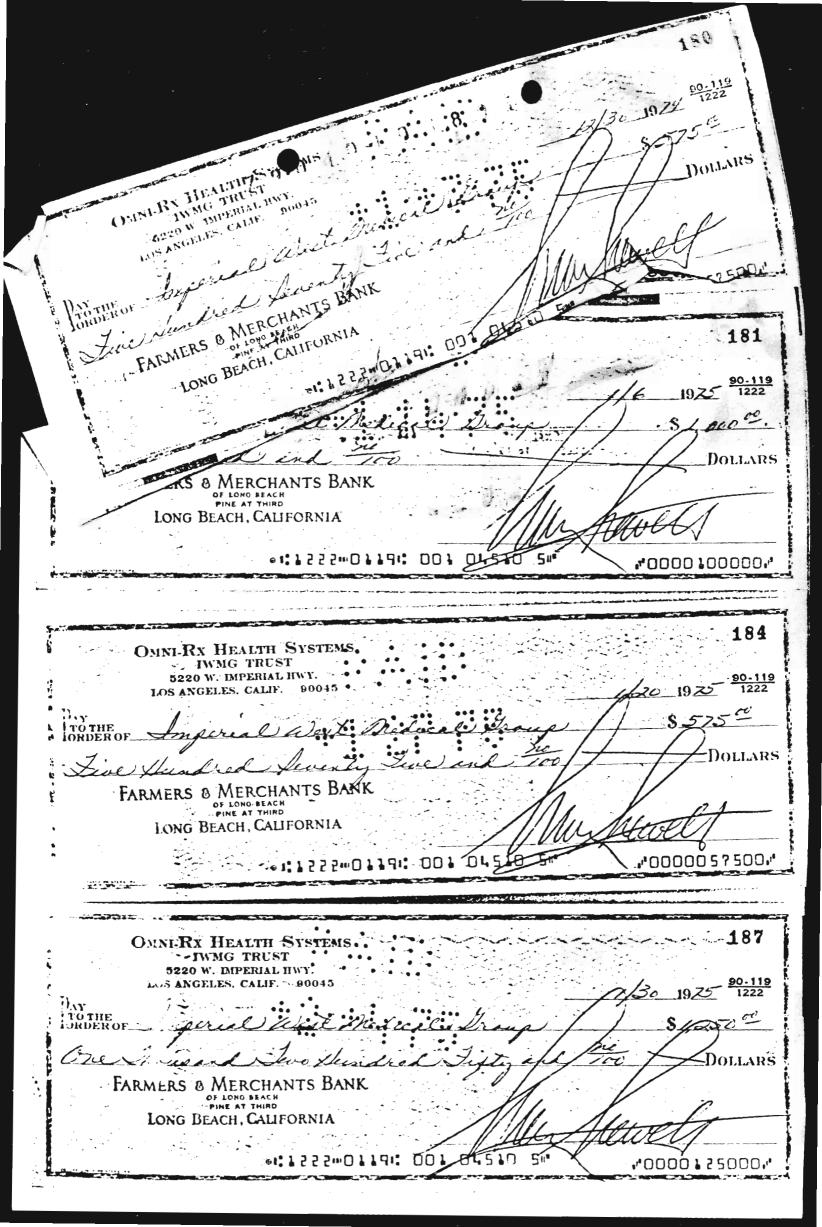


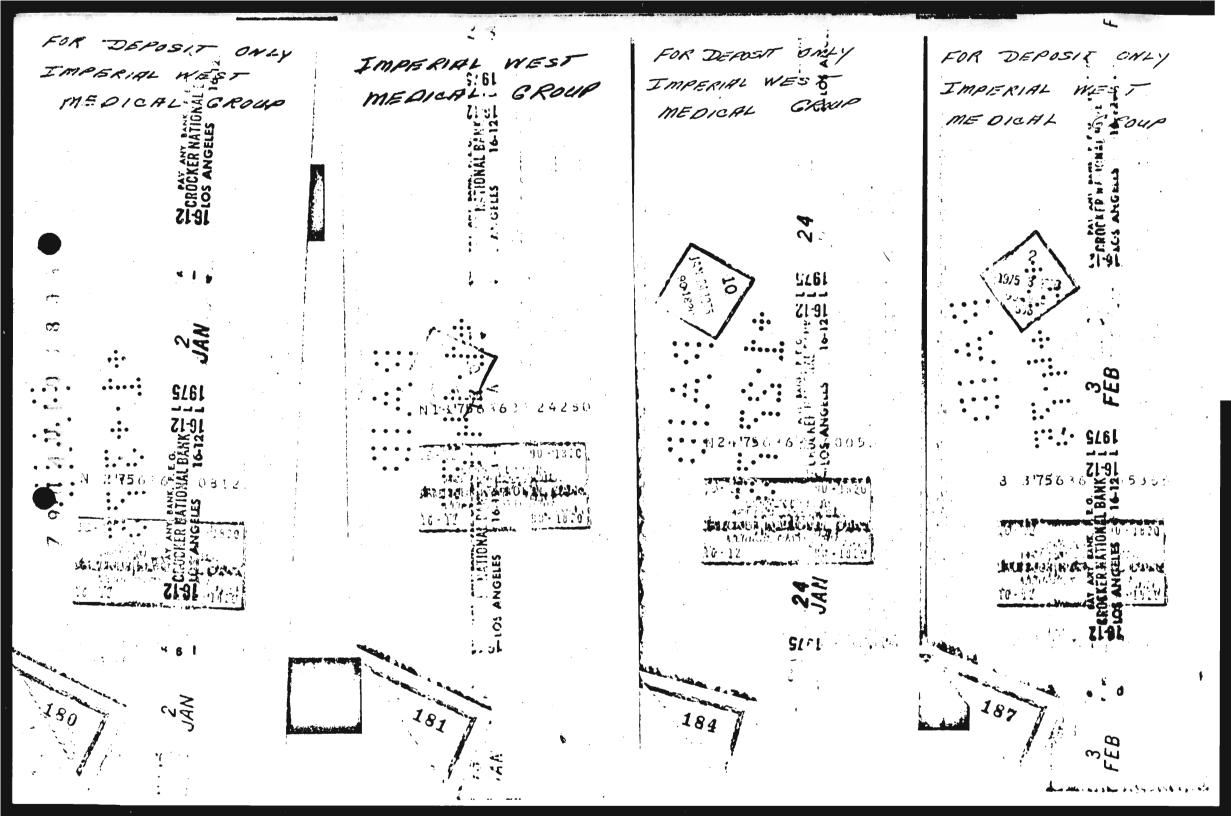




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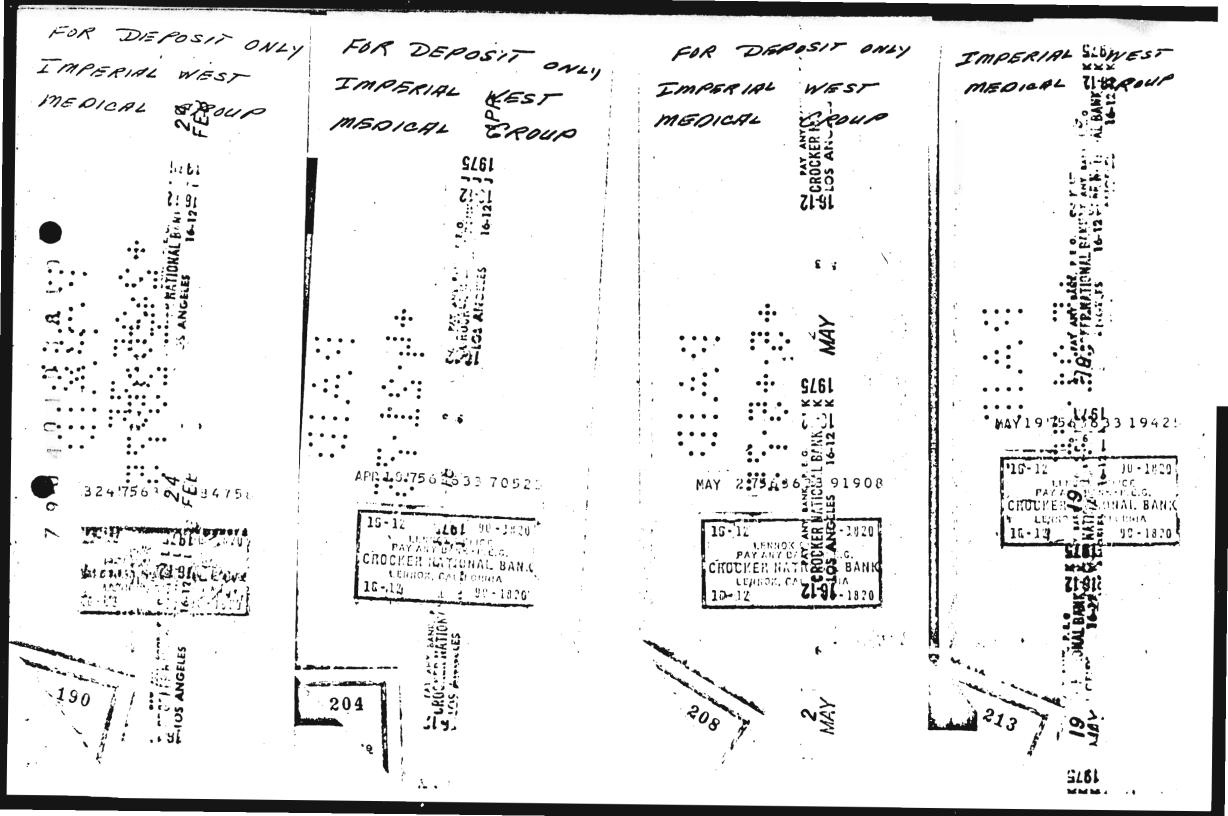


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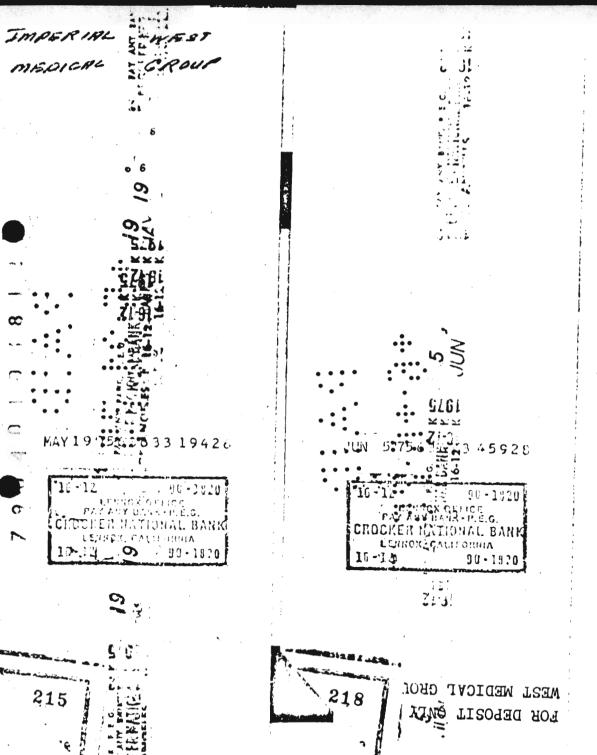
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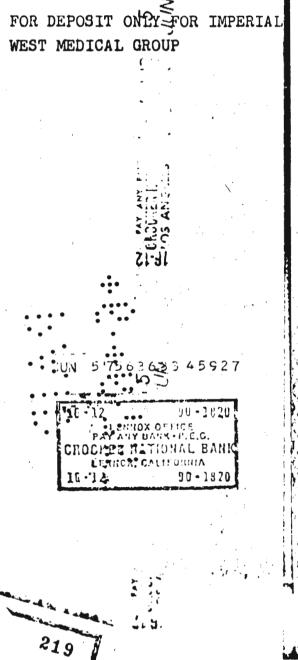


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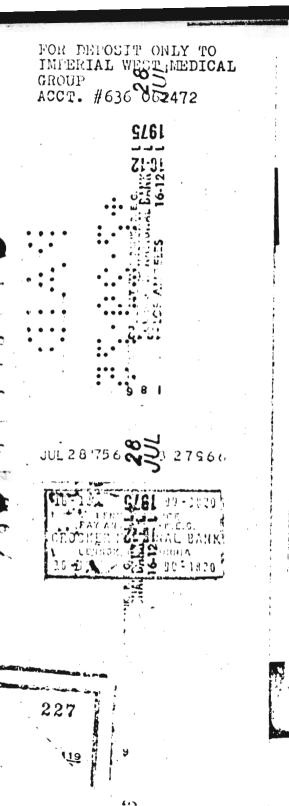
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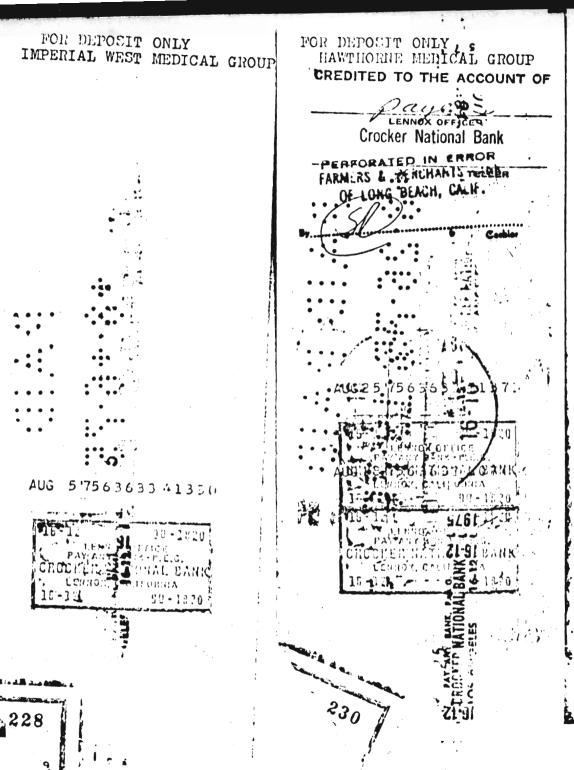
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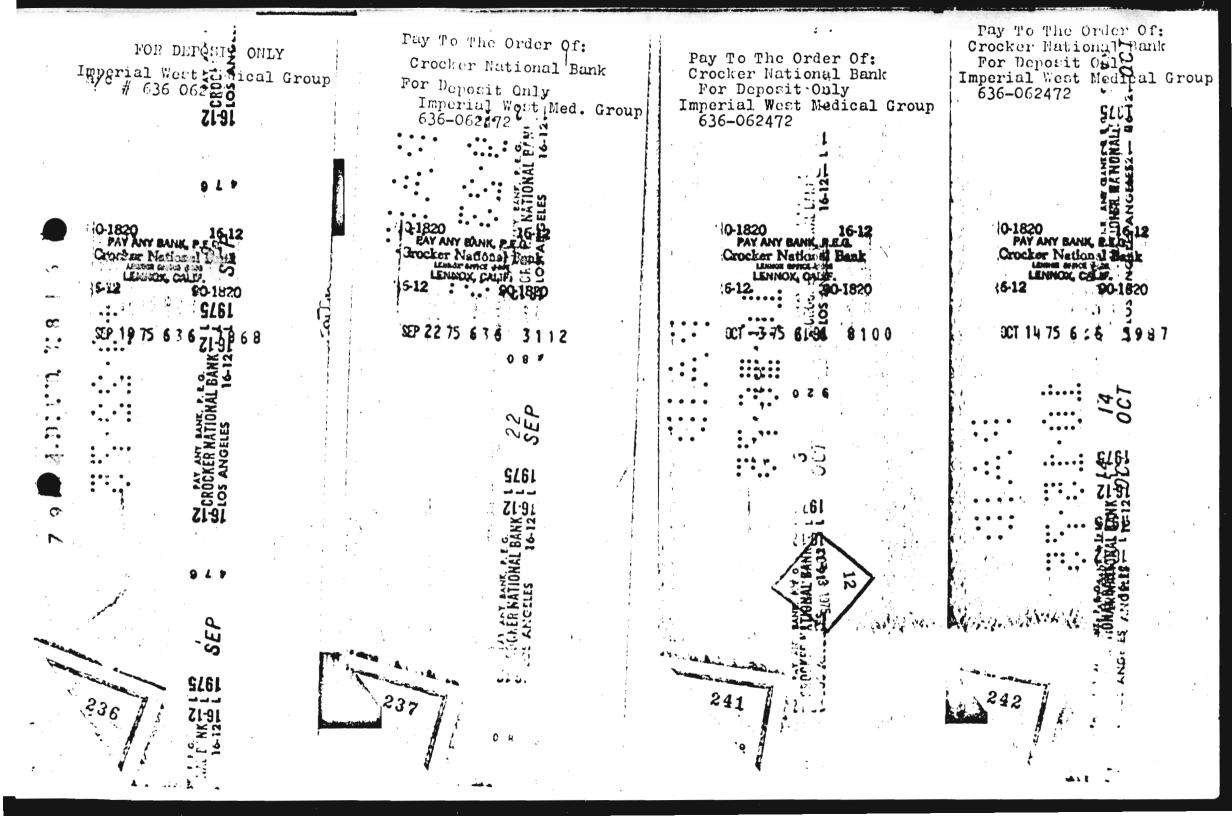
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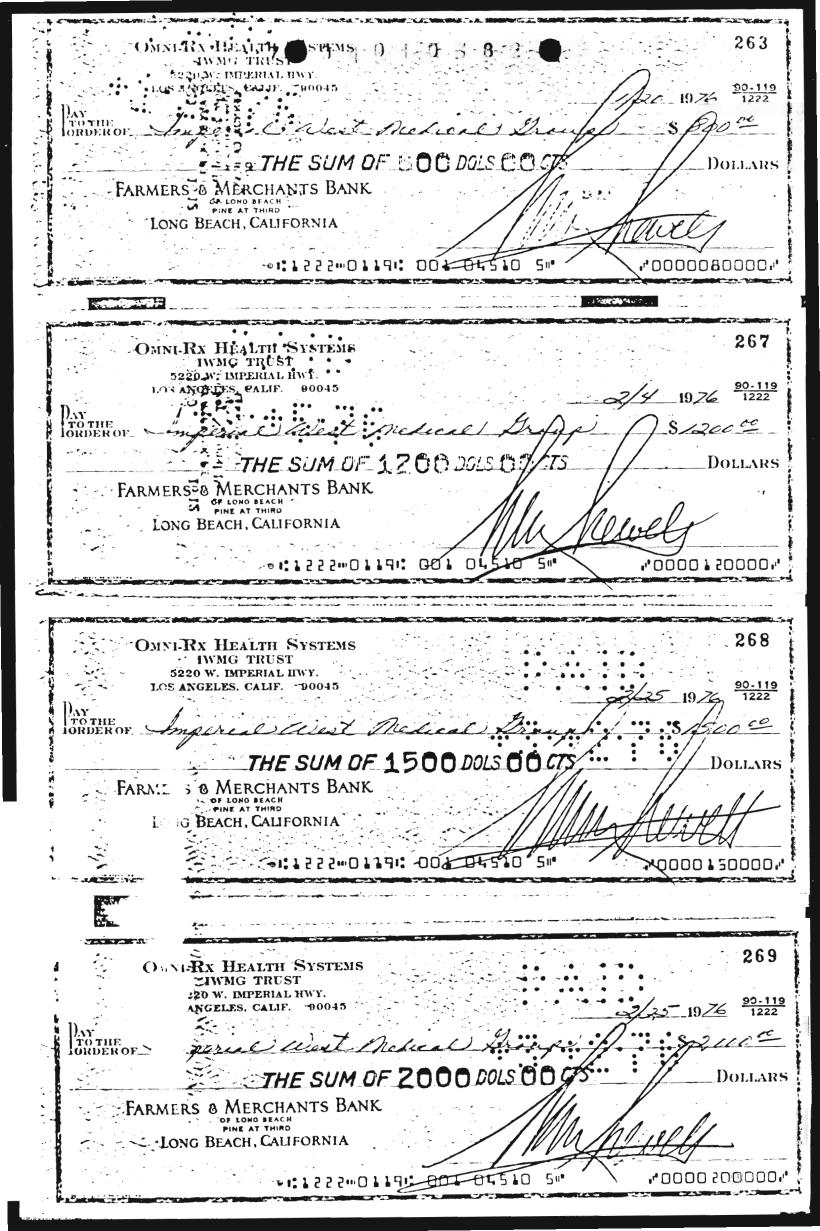


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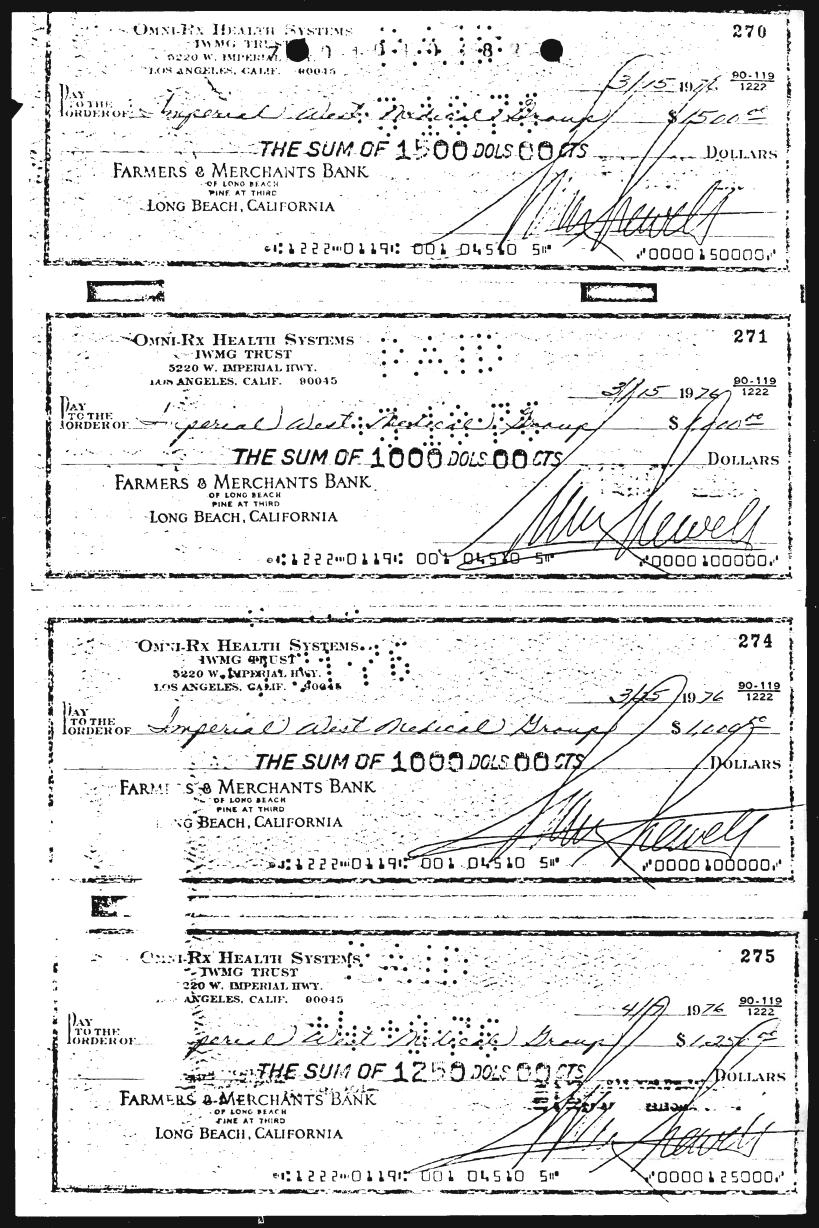


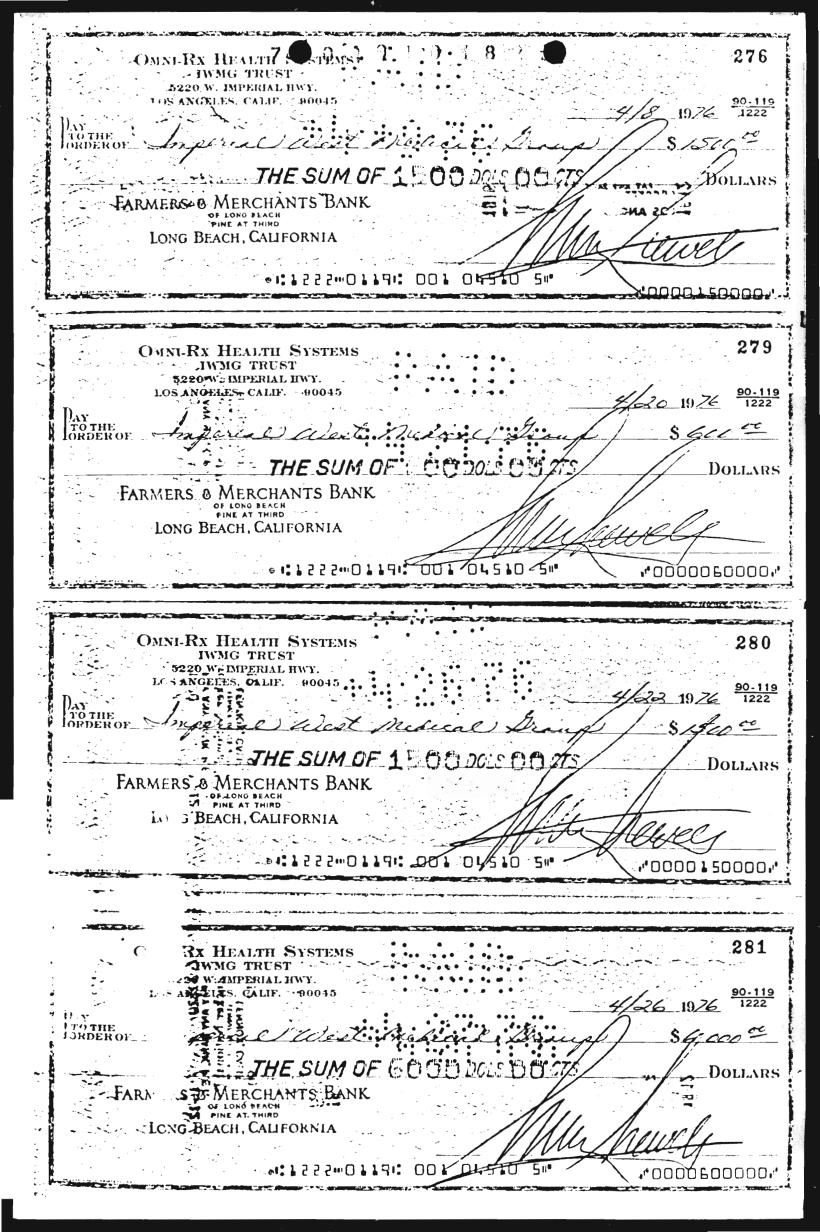
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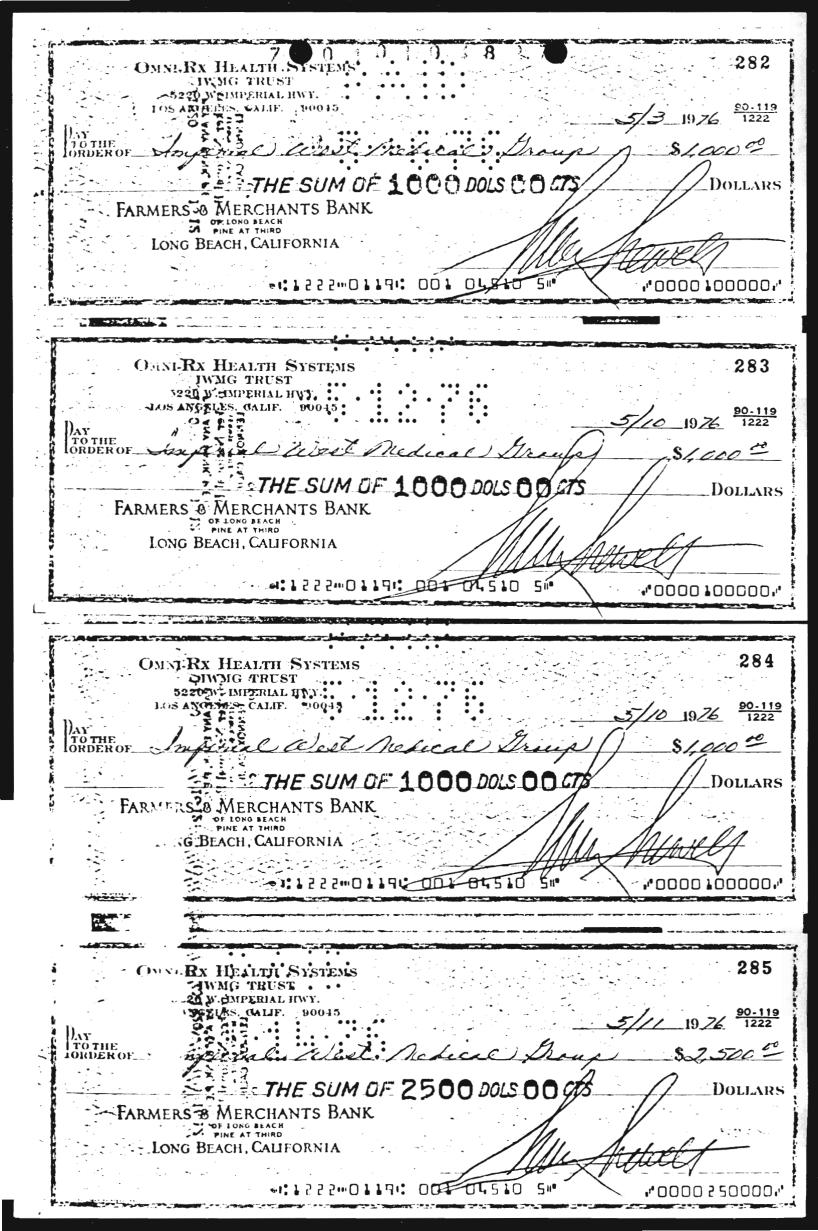
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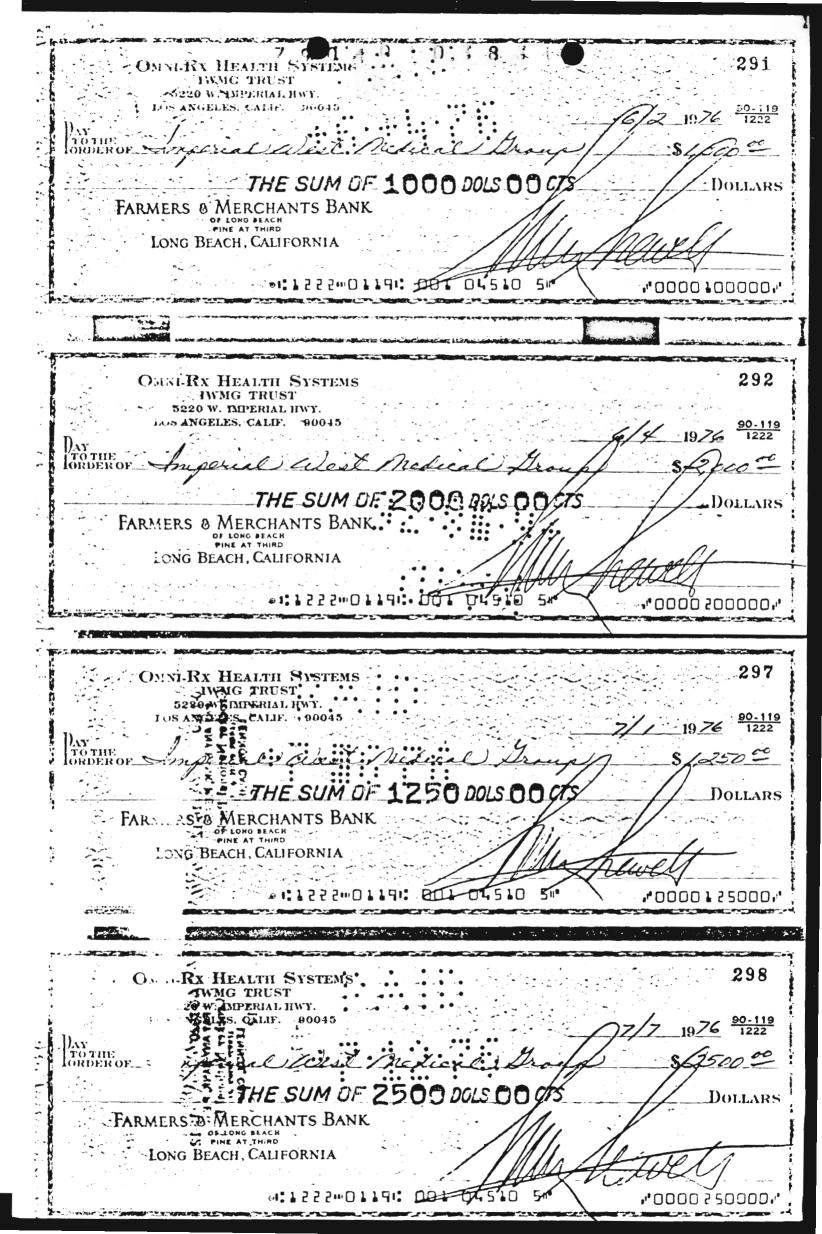
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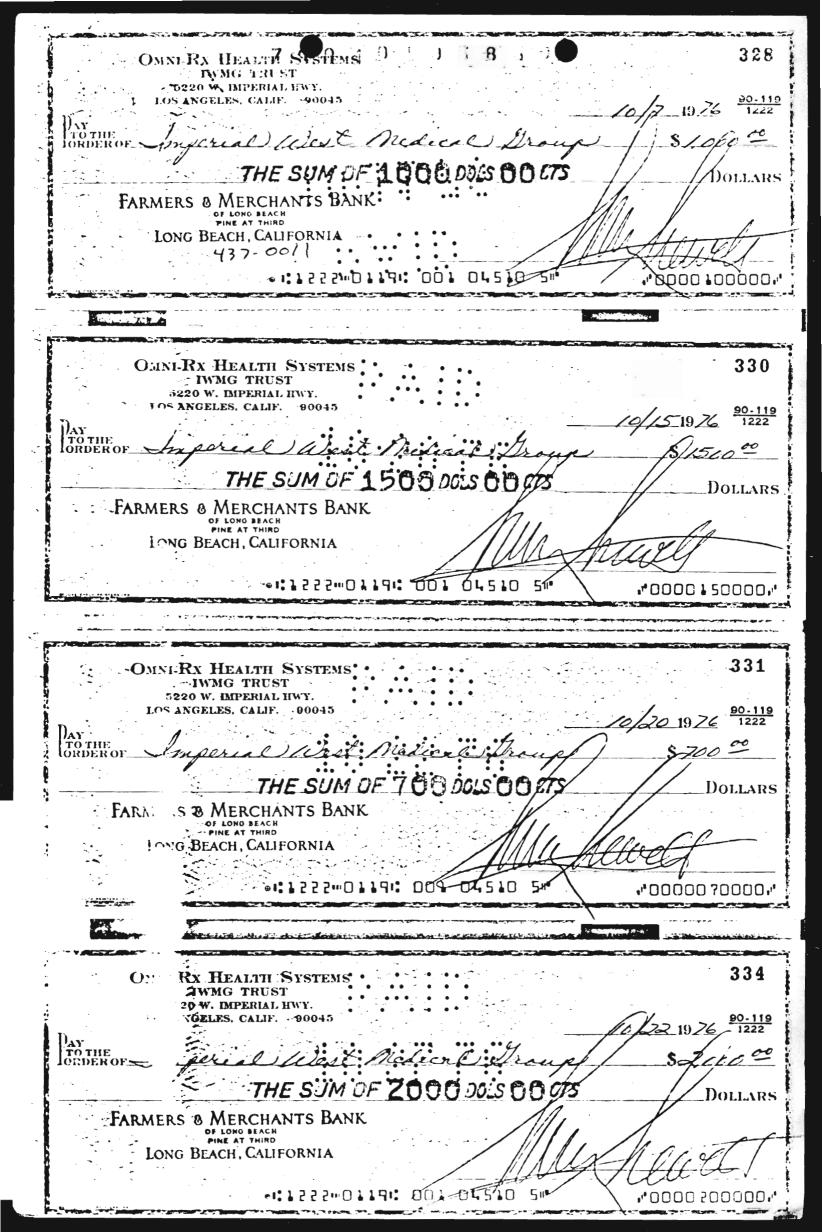
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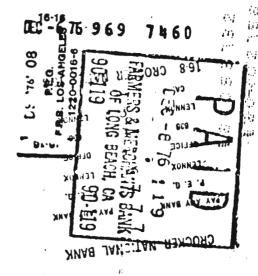
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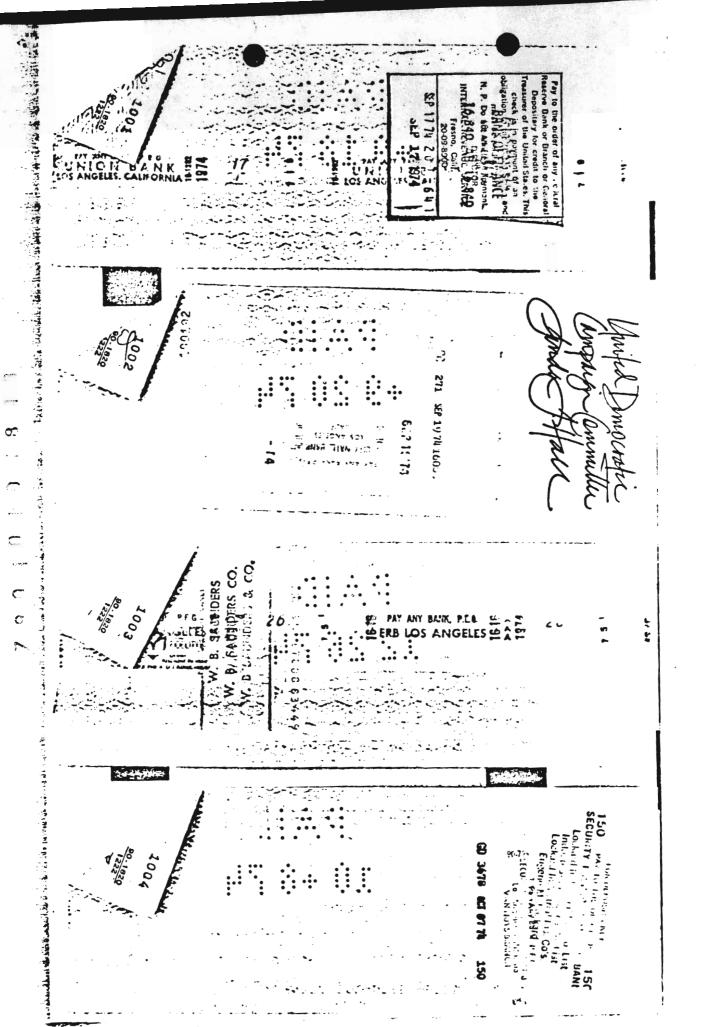
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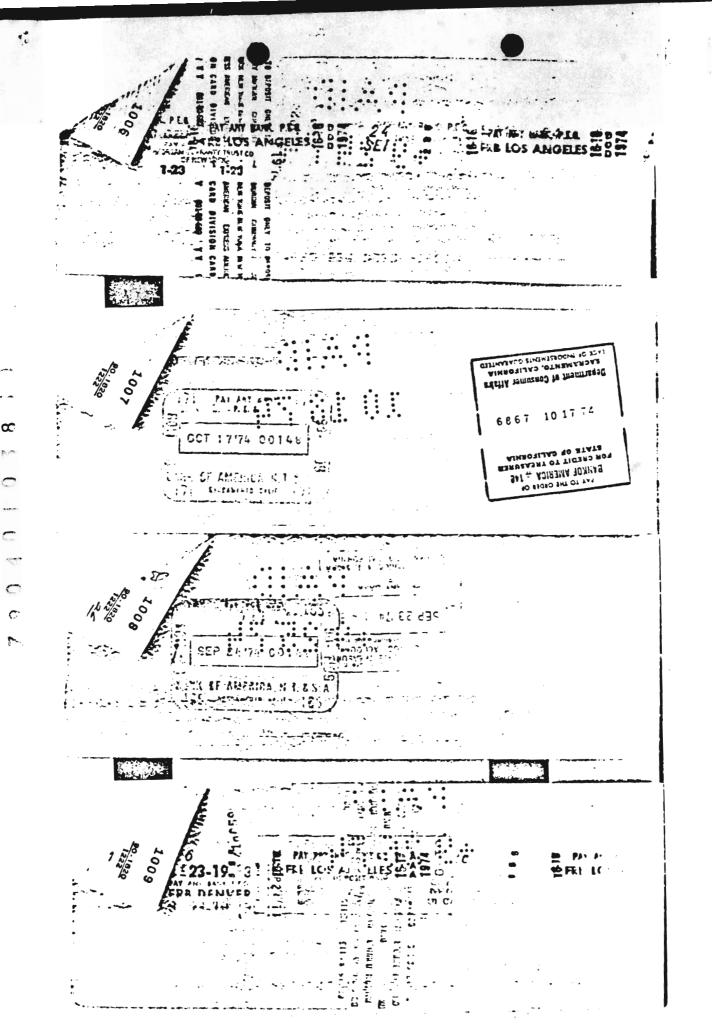
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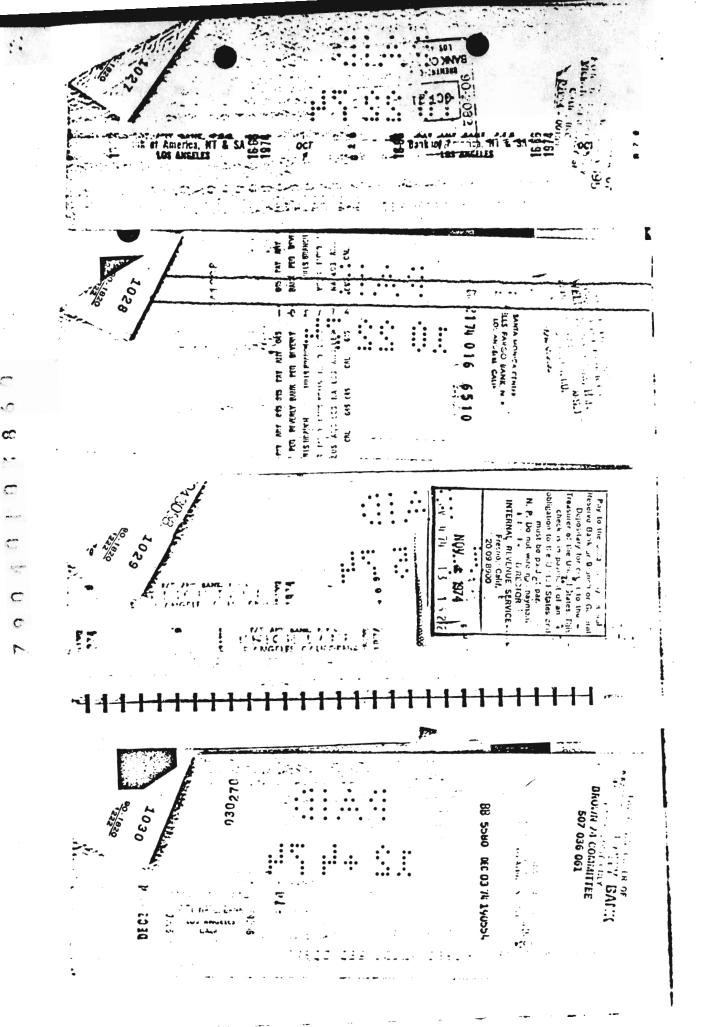
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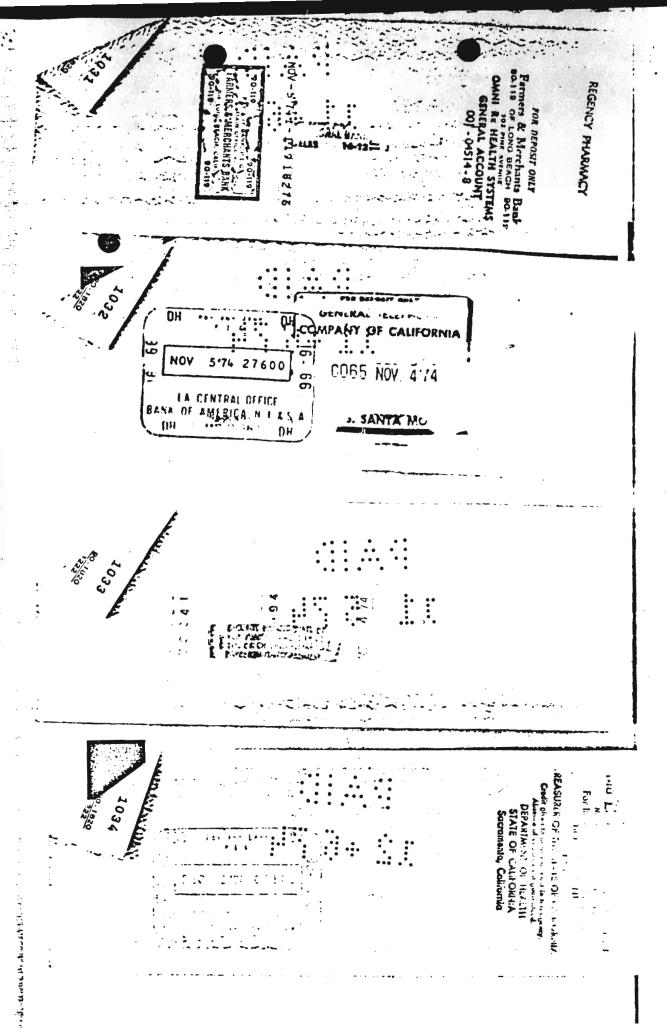
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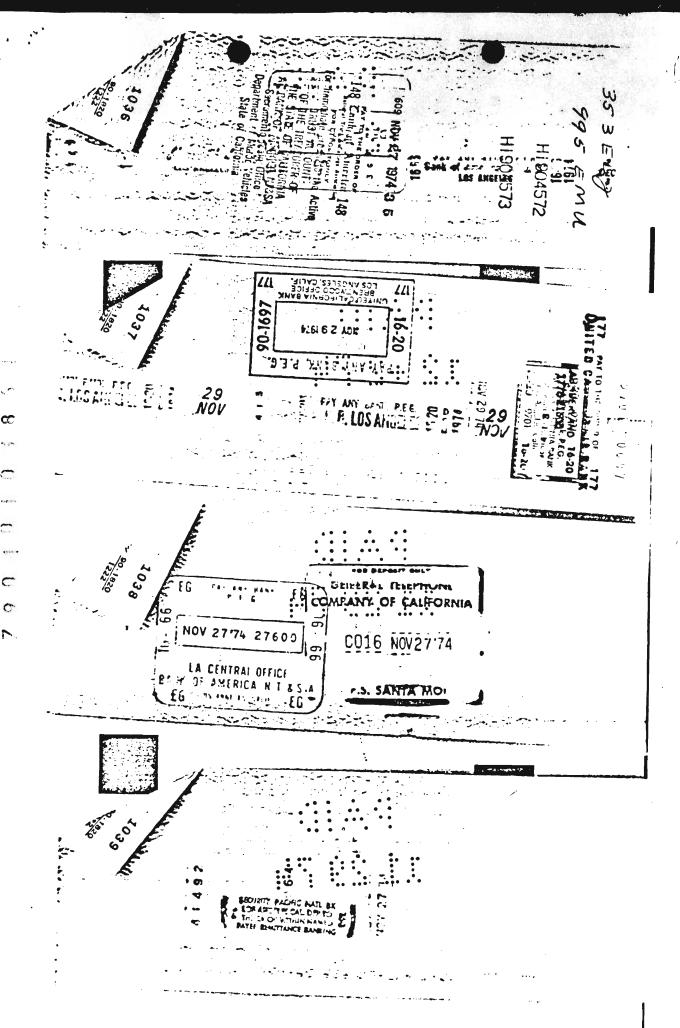
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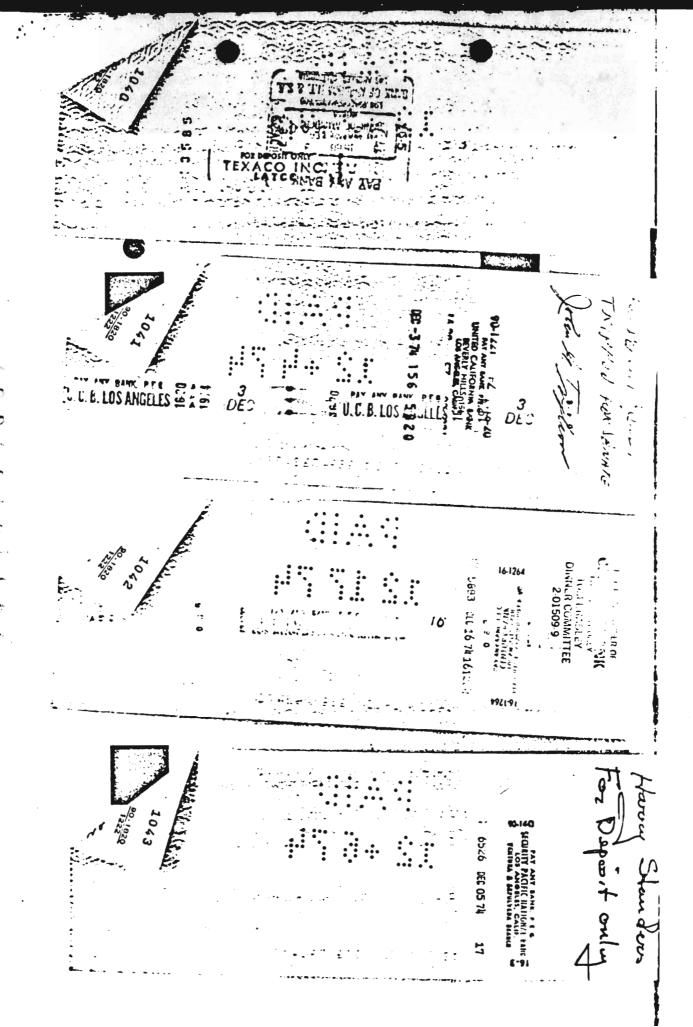
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TO THE VICENTE ORDER OF CROCKER PRINCIPAL SALES	IMPERIAL WEST, MEDICAL GROUP 11616 SO. PAWTHORNE BLUD HAWTHORNE CALLY, 00250  PAY FIFTY - MINA  PHARMACY  1222 - 1820: 535 0521-24	9186  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046  1046
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CROCKER RETIGIONS BROKE  OF PARMELES	IMPERIAL WEST, MEDICAL GROUP 11616 SO. PAWTHORNE BLUD HAWTHORNE CALLE. 20250  PAY FIFTY - MINA  PHERMACY  IMPERIAL WEST, MEDICAL GROUP  TO HANTHORNE CALLE. 20250	9186  1046  1046  1046  1046  1048  1048
TO THE VICENTE ORDER OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE OF STATE	IMPERIAL WEST, MEDICAL GROUP HAWTHORNE, CALLY, 10250  PAY ELETY - MINE 4  PHREMECY  IMPERIAL WEST, MEDICAL GROUP  IN 1616 NO. HANTHOINE BIAD. HAWTHORNE, CALLY, 100250	9/86  1046  1046  1046  1048  1048  1048  1048
CROCKER RETIGIONS BROKE  OF PARMELES	IMPERIAL WEST, MEDICAL GROUP 11616 SO. PAWTHORNE BLUD HAWTHORNE CALLE. 20250  PAY FIFTY - MINA  PHERMACY  IMPERIAL WEST, MEDICAL GROUP  TO HANTHORNE CALLE. 20250	9186  1046  1046  1046  1046  1048  1048  1048
CROCKER RETIGIONS BROKE  OF PARMELES	IMPERIAL WEST, MEDICAL GROUP HAWTHORNE, CALLY, 10250  PAY ELETY - MINE 4  PHREMECY  IMPERIAL WEST, MEDICAL GROUP  IN 1616 NO. HANTHOINE BIAD. HAWTHORNE, CALLY, 100250	9/86  1046  1046  1046  1048  1048  1048  1048
CROCKER RETIGIONS BROKE  OF PARMELES	IMPERIAL WEST, MEDICAL GROUP HAWTHORNE, CALLY, 10250  PAY ELETY - MINE 4  PHREMECY  IMPERIAL WEST, MEDICAL GROUP  IN 1616 NO. HANTHOINE BIAD. HAWTHORNE, CALLY, 100250	9/86  1046  1046  1046  1048  1048  1048  1048
TO THE VICENTE ORDER OF CROCKER DATISTICS OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF SEASON OF S	IMPERIAL WEST, MEDICAL GROUP HAWTHORNE: CALLY. 90250  PAY FIFTY - MINA  PHARMACY  IMPERIAL WEST, MEDICAL GROUP  I 1616 SO. HANTHORNE BLAD.  RAWTHORNE. CALLY. 90250  DATE One Thousand Five Hundred and 10/100	9/86  1046  1046  1046  1048  1048  1048  1048
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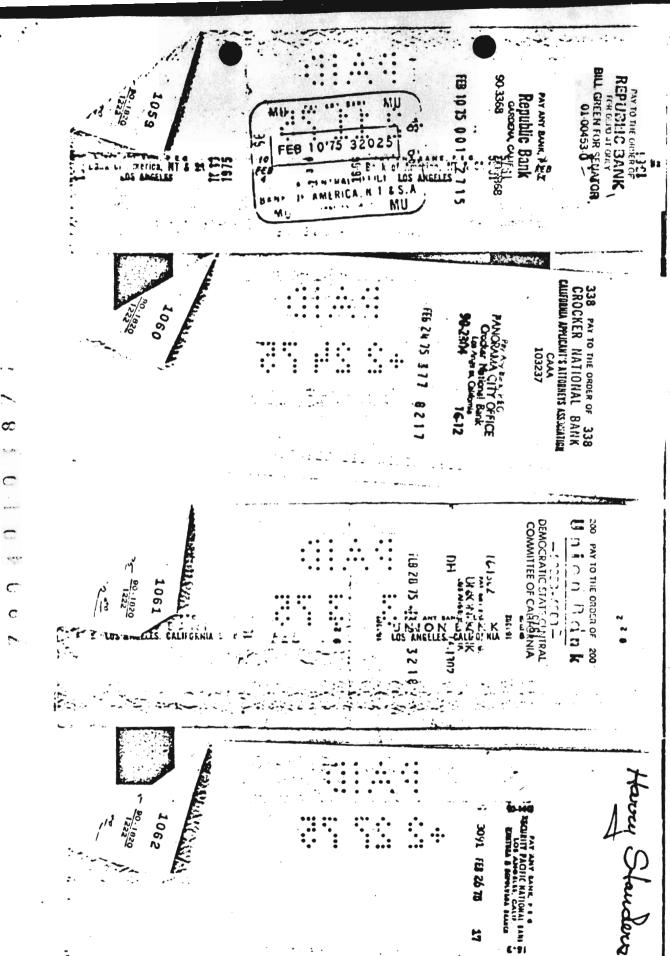
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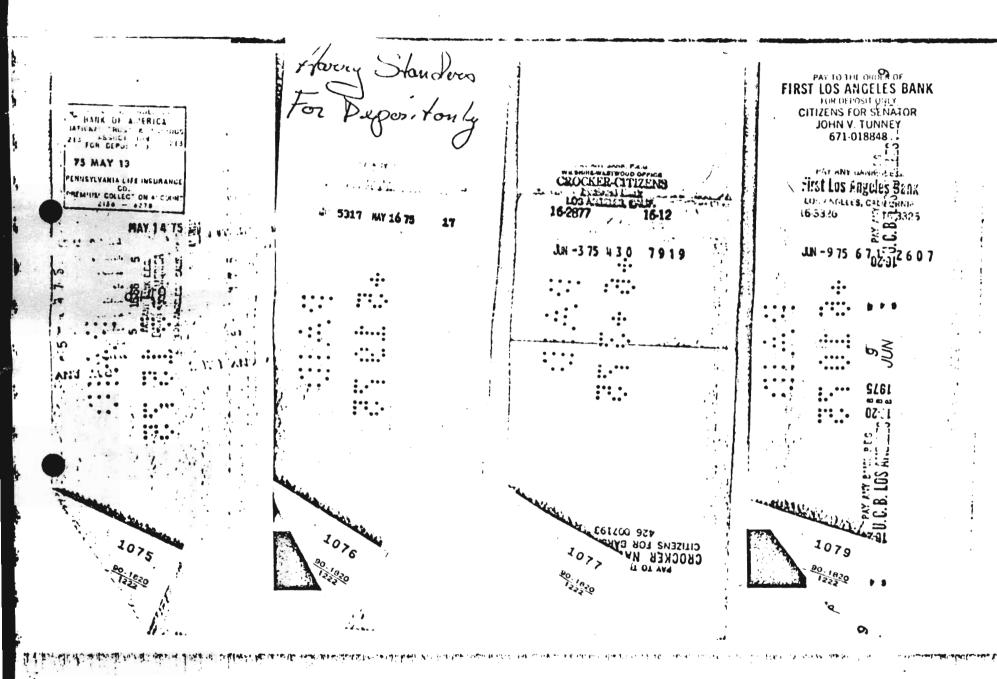
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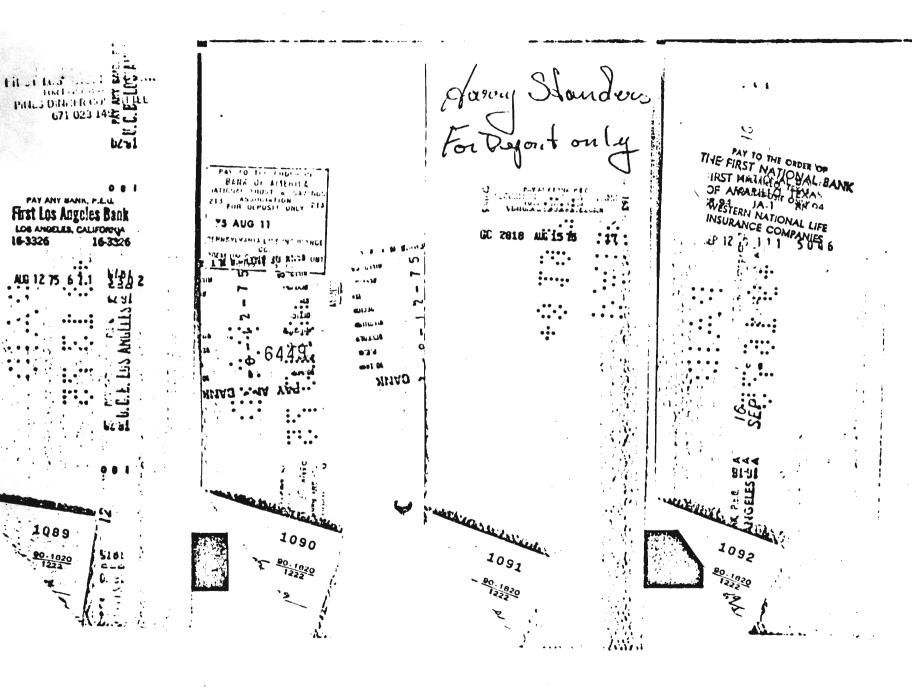
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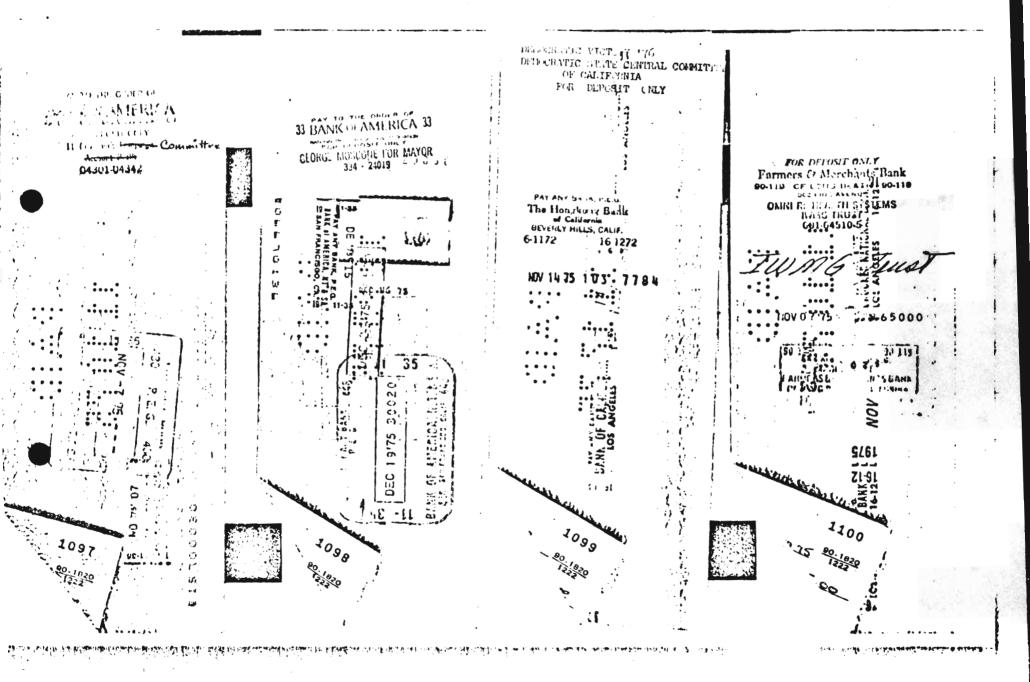
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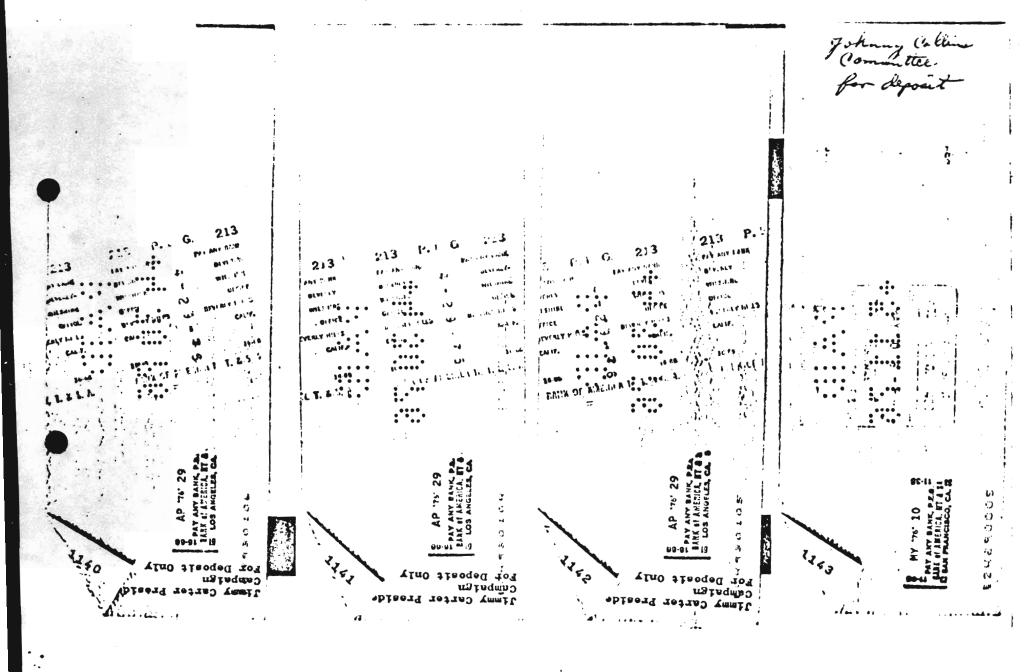
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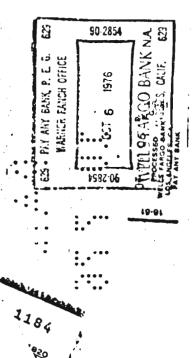
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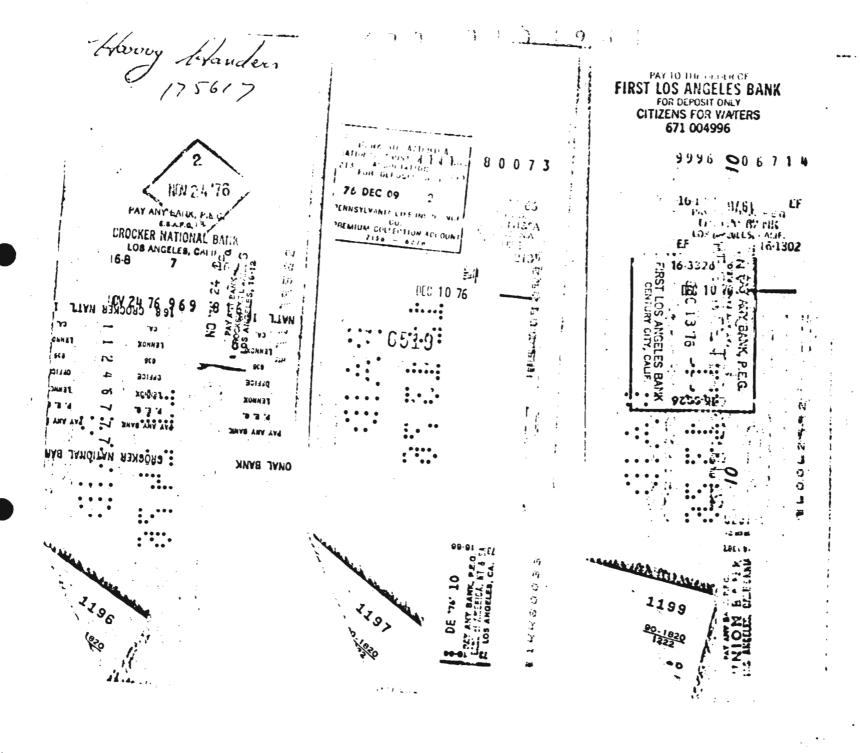
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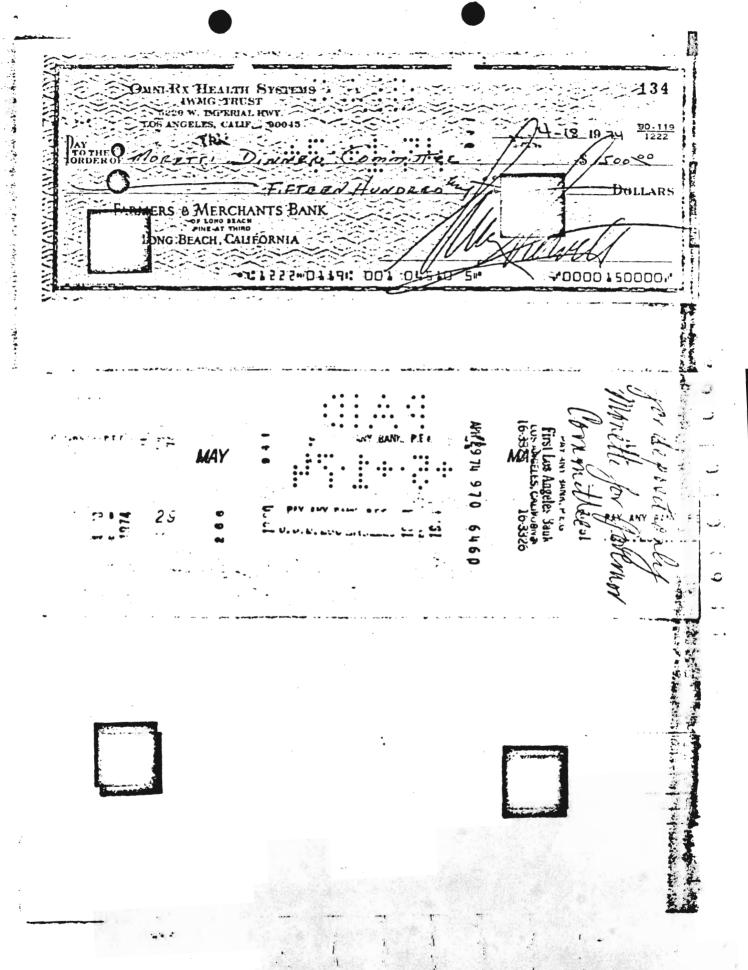
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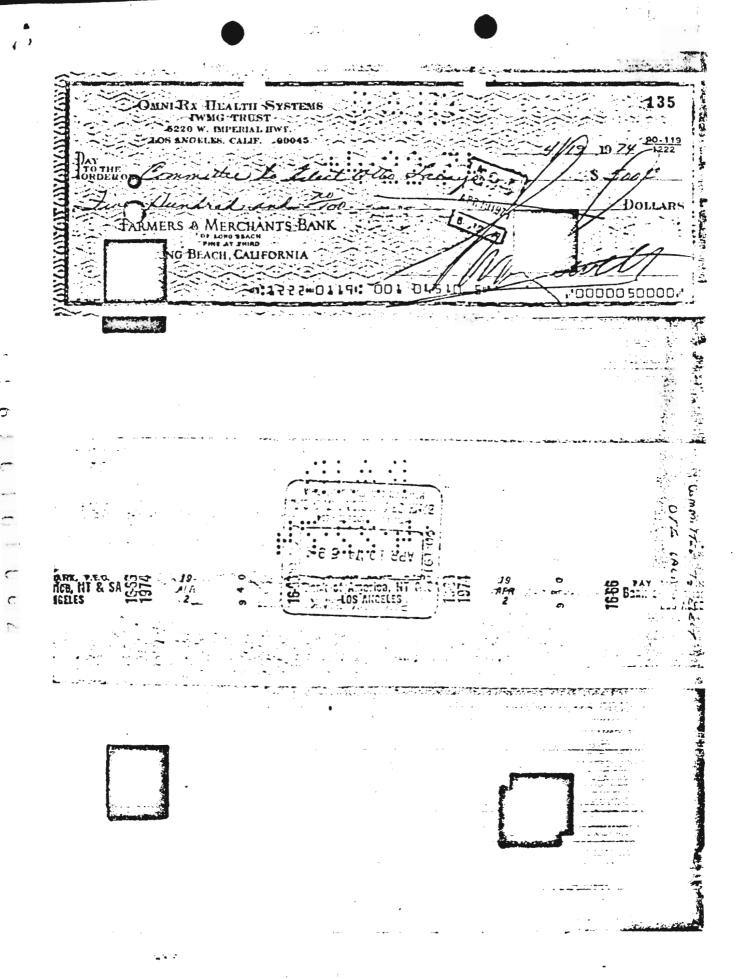
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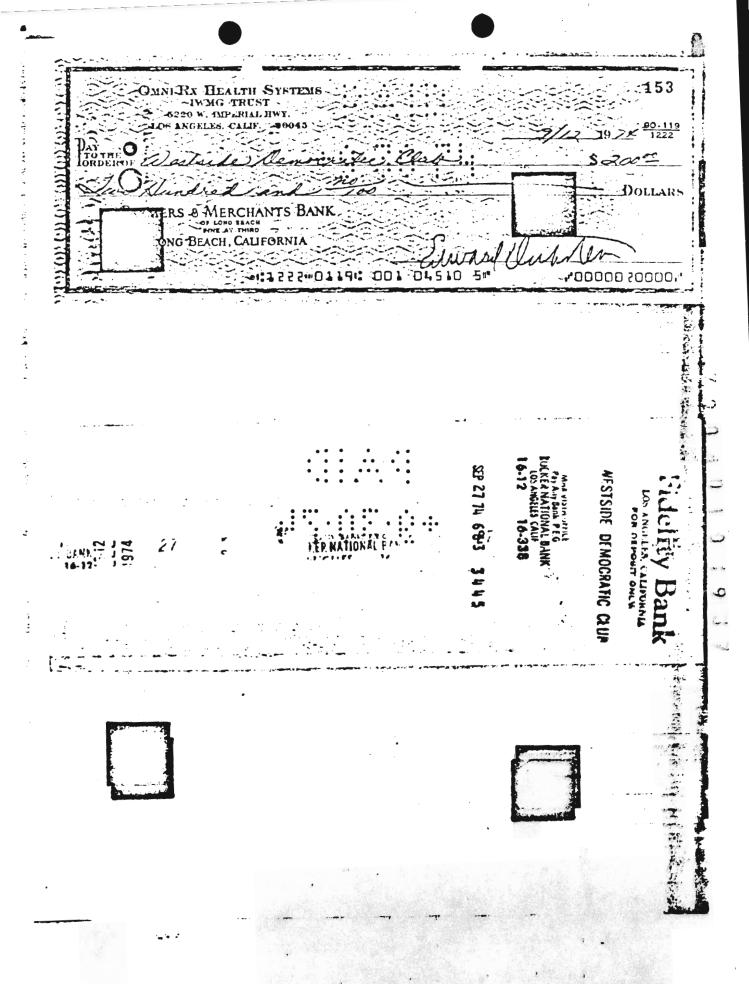
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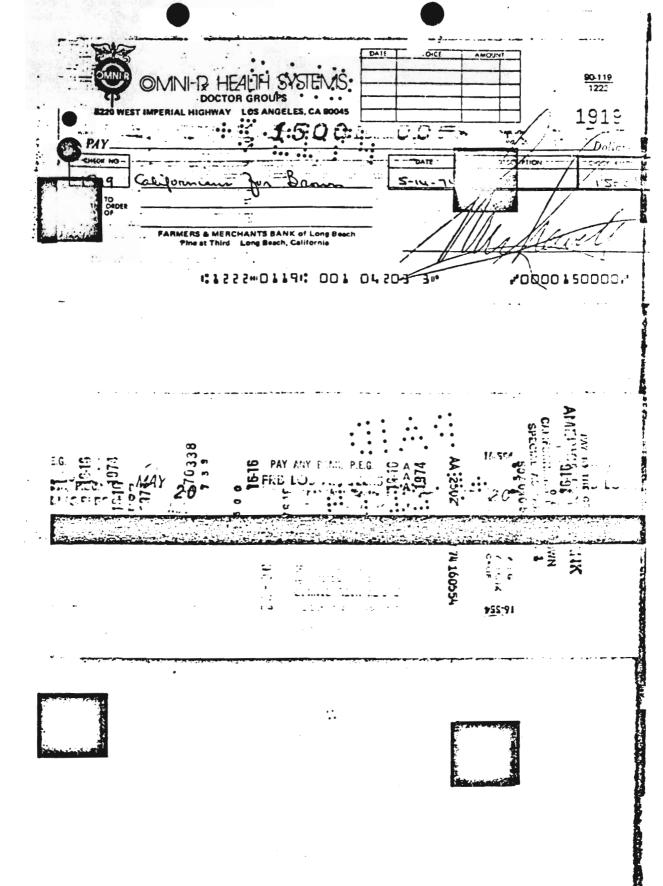
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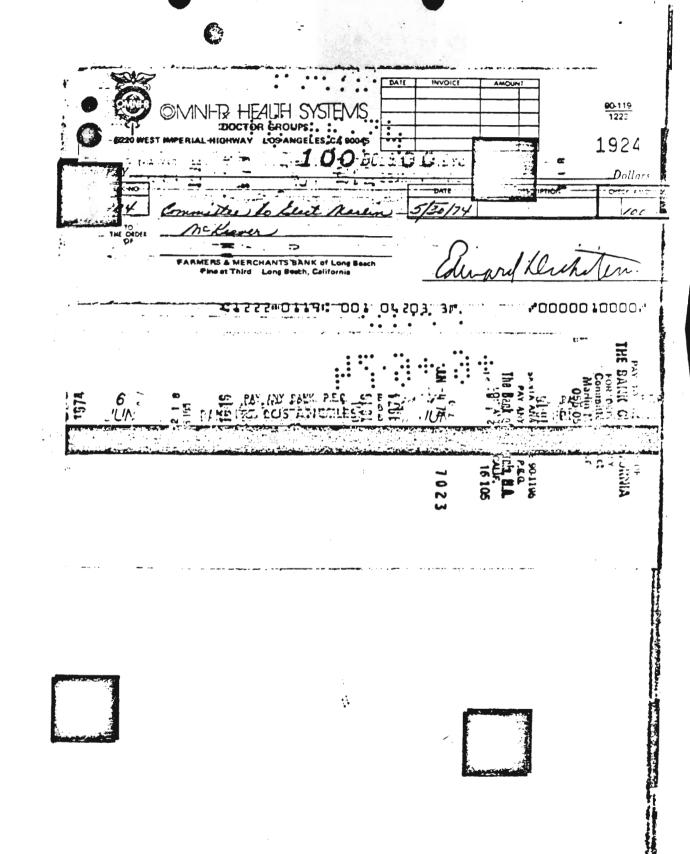












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## MATE OF CALIFORNIA

#### DEPARTMENT OF JUSTICE

OFFICE OF ATTORNEY GENERAL

TISHMAN BUILDING
3580 WILSHIRE BOULEVARD

LOS ANGELES, CALIFORNIA 90010

Ms. Biz Van Gelder Federal Election Commission 1325 K Street N.W. Washington, D.C. 20463 NOISS

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#### BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
OMNI-Rx, et al )

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MUR 373 (77)

### CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election

Commission, do hereby certify that on August 18, 1977, the

Commission determined by a vote of 6-0 to continue the

investigation in the above-captioned matter and to issue subpoenas and

to depose the principle respondents in this matter.

Marjorie W. Emmons

Secretary to the Commission

August 10, 1977

MEMORANDUM TO: Marjorie Mamons

PROM: Eliesa T. Garr

SUBJECT: MUR 373 (77)

Please have the attached Interio Status Report on MDR 373 (77) distributed to the Commission and placed on the Compliance Aganda for the Commission meeting of August 18, 1977.

Thank you.

#### BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
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	)	MUR 373(77)
	)	
OMNI-RX, et al	)	

#### INTERIM STATUS REPORT

#### I. STATUS:

On June 6, 1977, the Commission determined that there was Reason to Believe that Omni-Rx Health Systems, Inc., Dr. Edward Dickstein, Mr. Merv Newell and the Imperial West Medical Group may have violated Sections 441b and 441f of the Federal Election Campaign Act of 1971 as amended.

The options available to the Commission are:

- (1) to continue the investigation;
- (2) find Reasonable Cause to Believe;
- (3) refer the matter to the Department of Justice. This office now looks to the guidance of the Commission to decide which option to exercise.

The respondents in this matter are Omni-Rx Health Systems (Omni-Rx), Dr. Edward R. Dickstein, and Mr. Merv Newell.

Omni-Rx, a corporation which was incorporated under the laws of the State of California in 1971, has its principal place of business at 11616 Hawthorne Boulevard, Hawthorne, California. Omni-Rx was engaged in the business of providing administrative and ancillary services to affiliated medical groups, including Imperial West Medical Group (Imperial West).

Edward R. Dickstein has been the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns about 20.3 per centum of its outstanding common stock. He, also, has been a principal partner of Imperial West.

Merv Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. He was also, prior to 1976, Vice President for Corporate Finance of Omni-Rx. Newell owns directly, or indirectly, about 3 per centum of the outstanding common stock of Omni-Rx. Newell was also Business Manager of Imperial West.

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ر د Between September 9, 1974 and December 31, 1976, Omni-Rx, Dickstein, and Newell expended more than \$100,000 of funds of Omni-Rx for political candidates, \$26,500 (30%) of which went to identifiable Federal candidates or party related committees. Of this 30%, \$12,500 could be documented on reports filed with the Federal Election Commission (hereinafter the Commission). Most of these payments were made purportedly through the instrumentality of Imperial West Medical Group, but were made possible by specific transfers of cash from Omni-Rx to Imperial West for the express purpose of making such payments. This conduct is in violation of 2 U.S.C. §441b.

Furthermore, all of the contribution checks were allegedly signed by either Dickstein or Newell in the name of the partners,

Imperial West Medical Group. Members of Imperial West deny any knowledge of the account or the contributions (see the attached letter as a representative response); thus indicating that Dickstein and Newell may have violated 2 U.S.C. §441f.

Initial responses from the respondents reiterate the conclusions of the California Department of Corporation's memorandum. Almost all members of Imperial West who have responded to date have denied any knowledge of any "slush" fund or political contributions made in their name. In the construction of the accounts have been Newell and Dickstein. Their attorney has stated: "We are anxious to work with you toward an early resolution of this matter by a conciliation agreement."

At the present time, there is ample evidence to find Reasonable Cause to Believe that Newell and Dickstein made

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<sup>1/</sup>The present action was initiated by a memorandum from the California Department of Corporations received by the Commission on March 7, 1977. The memorandum referred to the political activities of Omni-Rx, Dickstein and Newell which were revealed during an investigation by the Department of Corporations of health care plans in California. Specifically, the memorandum disclosed the existence of a "slush" fund set up by Omni-Rx but labelled Imperial West Trust Account. The memorandum traces monies from Omni-Rx to the trust account, into another Imperial West Account and then to political contributions.

<sup>2/</sup>There has been a delay in receipt of the Reason to Believe letters since they were addressed to the offices of Omni-Rx and Imperial West. Both Companies are now in the hands of a Special Master who then redistributed the letters to the principals or their attorneys.

contributions in the name of another, but the facts are still needed to make a prima facie case for the corporate contribution violation. It would be more advantageous to complete the investigation on all aspects under review rather than bifurcate the issues and find Reasonable Cause to Believe on one allegation before the other.

#### II. INTER-AGENCY STATUS:

On June 8, 1977, in addition to sending Reason to Believe letters to the principal officers of Omni-Rx and Imperial West Medical Group, the Commission also sent letters of notification to the California Department of Corporations, the California Fair Political Practices Commission, and the California Attorney General's offices.

Since the Commission found Reason to Believe, we have learned that the Securities and Exchange Commission commenced a civil injunction suit in the District of Columbia in September, 1976, and we have taken preliminary measures in coordinating our efforts with the S.E.C.

In addition, in January, 1977, the California Department of Corporations instituted a civil action against Omni-Rx and its officers seeking restitution of the \$6 million fraudulently obtained by Omni-Rx in its contracts for health care services under the Knox-Mills Health Plan Act, as well as for material misrepresentations in their disclosure statements under the California Corporate Securities Law. The Department of Corporations is willing to settle the matter for \$3.3 million; all of which would go back to the defrauded stockholders.

The California Fair Political Practices Commission is empowered to civilly enjoin persons or committees from violating the California Fair Political Practices Act. At the present time, the Fair Political Practices Commission has not determined what their strategy will be in handling this case. 3/

Perhaps the most enthusiastic and cooperative response to our letter of notification has come from the California Attorney General's Office. The matter has been assigned to John Gordnier, Assistant Attorney General. Mr. Gordnier has taken our offer to coordinate "our efforts with your offices to insure maximum efficiency in our investigation without duplication of efforts" at face value. At the present time, his office is still investigating the matter and that investigation should be completed by mid-August. His preliminary findings indicate that Dickstein and Newell had become sophisticated in their efforts to evade the Fair Political Practice Act's disclosure requirements. Mr. Gordnier is currently taking the position that the surface violations (failure to disclose the actual contributors and the corporate contributions) are not as important to the California Attorney General's Office as the evidence which is surfacing to show Newell and Dickstein conspired to embezzle money from Omni-Rx to bribe state officials. There seems to be a correlation between the times of contributions and the introduction of

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<sup>3/</sup>The Fair Political Practices Commission differs from the Federal Election Commission in that the Attorney General of California makes the determination whether an action is criminal or civil. If it is criminal, the Attorney General retains jurisdiction over the case and it is handled by a local District Attorney. If it is civil, it is then referred to the Fair Political Practices Commission.

bills into the California Legislature that were helpful to Omni-Rx. The Violations which require a knowing and willful intent to evade the Law are taking precedence over any reporting violations which may have occurred as a result of the respondent's criminal actions. If respondents desired to influence an election, it was a State election or official. As of late, Mr. Gordnier has not ascertained whether there is enough evidence to take to a Grand Jury on the technical violations of the Fair Political Practices Act.

As noted previously, the Securities and Exchange Commission filed a civil injunction suit in the District of Columbia in September, 1976, against Omni-Rx, Newell and Dickstein for false disclosure in Omni-Rx's 1972 Registration Statement and fraudulent loan transactions connected with the receipts from Omni-Rx's first public offering of stock. (NOTE: Omni-Rx's original par value was \$7.50 a share; it is now unsaleable). Although the S.E.C. has not reached a final decision regarding whether to amend the complaint to incorporate the amounts of the political contributions as another material failure to disclose, they have been quite cooperative with representatives of this office. On July 26, 1977, Neil Lange of the Trial Division, S.E.C. met with Biz Van Gelder of our office to discuss the case. $\frac{4}{}$  Mr. Lange stated that the decision of the S.E.C. to obtain a civil injunction was based upon a determination that the respondents did not have the mens rea

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 $<sup>\</sup>frac{4}{\text{The S.E.C.}}$  is similar to the F.E.C. in that both have exclusive civil jurisdiction over their respective Acts but may refer criminal matters to the Department of Justice.

or criminal intent to violate the Act. In fact, they did not know about violations of the Securities Act, they (respondents) still dealt with the Company as if it were closely-held.

Mr. Lange said the S.E.C. would like to settle for \$300,000 to \$500,000 per defendant. He stated Mr. Newell is "broke" but Dr. Dickstein is extremely solvent. As stated previously, Omni-Rx and Imperial West are currently under the direction of a State appointed Special Master and have no real assets.

#### CONCLUSION:

The Commission's options are threefold. It may find Reasonable Cause to Believe that respondents have violated §§44lb and 44lf; it may refer the case to the Department of Justice, if the Commission determines the respondents have knowingly and willfully evaded the Federal Election Campaign Act; or it may continue the investigation and coordinate its efforts with the other Agencies mentioned previously.

The Office of the General Counsel makes an initial recommendation that the Commission exercise the last option, that of a continued investigation. Although the Commission may have enough evidence to find Reasonable Cause to Believe that the respondents may have made contributions in the name of another, we do not have enough documentation to prove a

<sup>5/</sup>According to Mr. Ron Thunen of the California Department of Corporations, Dr. Dickstein is a noted expert witness who bills up to \$90,000 per month. He has a 35% overhead cost and, hence, takes hom about \$50,000 to \$60,000 per month. It should be noted that if the Internal Revenue Service decides to join the case, there will be no liquid assets left.

prima facie violation of the corporate contributions section of the Act. We, therefore, would need to subpoen bank statements and depose the respondents. A further advantage of the continuation of the investigation would be the Commission's ability to determine if there was a specific intent by the respondents to evade the Act or whether the violations of the Act were proximate effects of their actions in California. Further investigation will allow the Commission to examine this matter in a more detailed manner before it decides to conciliate or refer the matter to the Department of Justice.

DATED:

WILLIAM C. OLDAKER,

General Counsel

1 Attachment a/s

AFFIDAVIT OF KENNETH H. GEIGER, M.D.

KENNETH H. GEIGER, M.D., being duly sworn deposes and says:

- 1. During the period from October 1, 1973 until some time in 1976 or 1977 I was associated with the Imperial West Medical Group (Medical Group).
- 2. My attorney has advised me that there is a substantial question as to whether I was a partner in Medical Group, or merely an associate, in any event whether I was or was not a partner the following responses are accurate.
- 3. I never participated in nor had any authority over management decisions or financial arrangements of Medical Group. I had no right to withdraw funds from or sign checks upon Medical Group accounts at any bank. The initial partners of Medical Group were Edward Dickstein, M.D., Alvin Markovitz, M.D., and Myron Koch, M.D. These doctors undertook the responsibilities of management and control of the Medical Group, and Edward Dickstein, M.D., exercised the most dominant position.
- 4. I was never an officer, director or stockholder of OMNI-RX. OMNI-RX was a public corporation controlled by Drs. Dickstein, Markovitz, Koch who were major stockholders, Merv Newell who acted as chief operating office of OMNI-RX, and Harry Standers, an employee, these persons constituted The Board of Directors. OMNI-RX was a management company that

provided office space personnel, supplies, equations, billing and collections for services performed by the partners and associates of the Medical Group, among other things.

- 5. The only knowledge which I have relating to bank accounts of either OMNI-RX or the Medical Group was that my salary check bore the preprinted signature of Dr. Dickstein and that it was drawn upon the Long Beach Farmers & Merchants Bank. I also am aware of the fact that Merv Newell signed some salary checks, but I do not know upon which accounts these checks were drawn.
- 6. I never attended any meeting of Medical Group at which political disbursements were discussed, no less authorized. I have no knowledge or information concerning any alleged political contributions made by OMNI-RX or the Medical Group, other than an inquiry made to me by the California Attorney General's Office, to whom I reported that I never knowingly made nor authorized any political contribution from any Medical Group or OMNI-RX account.

- 7. I reiterate that I never knowingly made or authorized a political contribution using funds of the Medical Group, or from any account in Long Beach Farmers & Merchants Bank or Crocker Bank; nor have I ever authorized my name to be used with any political contribution from the Medical Group, OMNI-RX or from accounts in either of those banks.
- 8. Over the years I may have made some minor political contributions from my own checking accounts at First Los Angeles Bank and Citizens Bank and Trust Company, of a magnitude

of no greater than \$25, but I do not recall any specific contribution.

DATED: June 27, 1977

Subscribed to and sworn to before me a notary public dated this 200 day



NOTARY PUBLIC

FERENAL PLECTION

AFFIDAVIT

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STATE OF CALIFORNIA )

County of Los Angeles )

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ALVIN MARKOVITZ, being sworn, says:

I am a doctor of medicine duly licensed to practice medicine in the State of California and have been practicing medicine since 1959. I am a specialist in the field of internal medicine and hemotology. I am an associate clinical professor of medicine at the University of Southern California School of Medicine and a member of the American, Los Angeles County, and State of California Medical Associations.

I first joined IMPERIAL WEST MEDICAL GROUP (hereinafter "IWMG") in 1966 as a salaried employee of DR. EDWARD DICKSTEIN, who was a sole practitioner at that time. I became a partner in IWMG in approximately 1969 or early 1970, along with DR. MYRON KOCH. From the time I joined the IWMG until its closure, DR. DICKSTEIN was its managing partner and completely in charge of its financial operations and business affairs. My involvement was always limited to the practice of medicine.

In late 1971 IWMG signed a management service contract with a California corporation then known as IMPERIAL GENERAL CORPORATION (predecessor to OMNI-RX HEALTH SYSTEMS, INC.). This contract provided for management services rendered by IMPERIAL GENERAL for and on behalf of IWMG.

In 1973 OMNI-RX HEALTH SYSTEMS went public and by that time DR. EDWARD DICKSTEIN and MERV NEWELL were running the financial affairs of IWMG and OMNI-RX HEALTH SYSTEMS, INC. Between 1971 and 1973 other

doctors had joined IWMG, first as employees, like myself, and then eventually as partners by January 1975. Some of these doctors were:

KENNETH H. GEIGER, ROBERT M. HIGGENBOTHAM, ANITHA T. MITCHELL, CRANFORD L. SCOTT and RONALD W. STRAHAN.

In September 1976 I learned that the SECURITIES EXCHANGE COMMISSION, after investigation, had filed a complaint against OMNI-RX HEALTH SYSTEMS, DR. DICKSTEIN, DR. KOCH, HARRY STANDERS, MERV NEWELL and myself. I had been told by MERV NEWELL, prior to the filing of this complaint, that the SEC was investigating technical filing requirements and there was nothing to worry about in that the company had always complied with all applicable rules and regulations of the SEC and that the matter would be resolved with the SEC by stipulation.

After the filing of the SEC complaint I sought out and obtained independent counsel and first learned of many alleged financial irregularities involving OMNI-RX and certain partners of IWMG.

Thereafter, in December 1976 and January 1977, with the assistance of counsel, I was instrumental in bringing about the appointment of a Special Master to take charge of the financial affairs of the company so that a complete investigation could be completed. In connection with the activities of the Special Master and the Attorney General of the State of California, I learned that certain political campaign contributions were made in my name and in the name of other partners or members of IWMG. I never authorized IWMG, OMNI-RX HEALTH SYSTEMS, INC., or any other person, firm or entity whatsoever to make a political contribution in my name.

No partnership meeting ever took place wherein the subject of political contributions was discussed or making thereof was authorized. Any political

contribution made in my name or on my behalf by any other person, firm or entity was without my knowledge or consent.

I have been advised by my attorneys that in addition to alleged political contributions made without my knowledge or consent, certain accounting entries in the books and records of OMNI-RX HEALTH SYSTEMS and IWMG show other charges or debits for my account which were never authorized by me and are, therefore, currently disputed as being legitimately owed by me. All of the partnership books and records are in the possession of the Special Master for OMNI-RX HEALTH SYSTEMS, INC., MONTE A. KRISSMAN.

I have been further informed by my counsel that additions and with-drawals from IWMG by its various partners was not fully documented and, therefore, the subject of withdrawals and additions to the partnership is currently a subject surrounded with much doubt as to who the exact partners were in any particular period of time. In any event, the doctors mentioned herein are at least alleged partners at various relevant times.

On March 14, 1977, the Special Master for OMNI-RX closed the medical clinic and since that date the various doctors have been practicing medicine at different locations. My current business address is 11600 Wilshire Boulevard, Suite 512, Los Angeles, California 90025.



OFFICIAL SEAL
MARY YVONNE KINGSBURY
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My comei, expires JUL 23, 1980

FOR NOTARY SEAL OR STAMP

S Ack. Individual (Rev. 9-58)

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## Law offices of leighman & Meyerhoff

A PROFESSIONAL CORPORATION
1901 AVENUE OF THE STARS
SUITE NIME.THIRTY-ONE
ENTURY CITY, CALIFORNIA 90057



William C. Oldaker, Esquire Federal Election Commission 1325 K Street N.W. Washington, D.C. 20463 EVELLE J. YOUNGER

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STATE OF CALIFORNIA



FEDERAL ELECTION COMMISSION

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OFFICE OF THE ATTORNEY GENERAL

## Bepartment of Justice

3580 WILSHIRE BLVD.

LOS ANGELES, CALIFORNIA 90010
(213) **EXCESSEE** 736-2299

July 19, 1977

Federal Elections Commission 1325 K Street NW Washington, D.C. 772207

Attention: Biz Van Goelder

Re: People v. Omni-Rx Health Systems

Los Angeles Superior Court

case C 183555

Gentlemen:

Enclosed is a copy of the second amended complaint in the Omni-Rx case. If there is anything further that we can do for you in this matter, please do not hesitate to get in touch with me.

Very truly yours,

EVELLE J. YOUNGER, Attorney General

By RONALD V. THUNEN, JR. Deputy Attorney General

RVT:bt enclosure

F.L. E. ECTION

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Ronald V. Thunen, Jr.

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STATE OF CALIFORNIA

#### DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

800 TISHMAN BUILDING

3580 WILSHIRE BLVD.

LOS ANGELES, CALIFORNIA 90010

Federal Elections Commission 1325 K Street NW Washington, D.C.

ATTN: BIZ VAN GOELDER



10c 927 JOEL B. JOHNSON ATTORNEY AT LAW 3948 WOODFIELD DR. BHERMAN DAKE, CA 91403 (213)X3000000XX 274-7643 772146 July 15, 1977. Ms. Biz von Gelder FEDERAL ELECTION COMMISSION 1325 K Street N.W. Washington, D.C. 20463 Re: MUR 373 Dr. Ronald Strahan C Dear Ms. Von Gelder: Pursuant to our telephone conversation of this date, please be informed of the following: I represent Dr. Ronald Strahan, M.D. Your letter dated June 8, 1977 to the Imperial West Medical Group, your file MUR 373, was directed to Dr. Strahan by Monte A. Krissman, the Special Master for Omni-Rx Health Systems. Please be informed of the following: C Dr. Strahan has requested me to advise you that he is not, and never was, a partner in the Imperial West Medical Group. Further, Dr. Strahan wishes me to inform you that he has never contributed any money to anybody's election campaign to the best of his recollection and he has never authorized anyone to do so on his behalf. truly, Leot JBJ/mc

JOEL B. JOHNSON , ATTORNEY AT LAW 3948 WOODFIELD DRIVE SHERMAN CAKS, CA 91403

VIA ALE MAIL ..

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Ms. Biz Von Gelder FEDERAL ELECTION COMMISSION 1325 K Street N.W. Washington D.C. 20463

LAW OFFICES

DRYDEN, HARRINGTON & SWARTZ

LOS ANGELES, CALIFORNIA 90017

(215) 020-2104

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JACOB SWANTZ R. S. HARRINGTON RICHARD A: FOXX ELI B. DUBROW DAVID H. CANTER RAPHAEL COTKIN

RAPHAEL COTKIN
MILES J. RUBIN
CHARLES J. MAZURSKY
LOWELL M. RAMSEYER
GEORGE J. FRANSCELL
LOUIS SWARTZ.
BANKS EDWARD WILSON, JR.
RAYMOND G. KOLTS
LAWRENCE A. BUSH
PETER ASRAHAMS
CHARLES J. BENNETT
JAMES P. COLLINS, JR.
MICHAEL A. O'FLAHERTY
ROBERT J. WASCHTER
LESLIE D. RASMUSSEN
LISA M. CARL
VICTOR G. HADDOX
DALE S. GOLDFARB

DALE S. GOLDFARB TIMOTHY P. JOHNSON CRAIG F. BEARS

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CRAIG F. BEARS
EILEEN DRISIN
MICHAEL P. HALEY
STEVEN LINCOLN PAINE
LARRY W. MITCHELL

June 28, 1977

Ms. Biz Van Gelder Federal Election Commission 1325 K Street N.W. Washington D.C. 20463

> Re: **MUR 373**

Dear Ms. Van Gelder:

As indicated to you in our telephone conversation of June 27, 1977, this office represents Kenneth H. Geiger, M.D.

Dr. Geiger received a copy of the Federal Election Commission letter of June 8, 1977. We are enclosing an Affidavit of Dr. Geiger which we believe responds to the inquiry contained in your letter.

As I discussed with you there is a substantial question as to whether Dr. Geiger was ever a partner of Imperial West Medical Group, but in any event he had no management or financial functions with the Group or OMNI-RX. Dr. Geiger never authorized any contribution in his name from the Medical Group accounts or OMNI-RX accounts. was never consulted about nor approved any political contributions and if contributions were made under his name they were done so without his knowledge or authority.

If any further information is required please feel free to call upon us.

Very truly yours,

MJR/ly Enclosures

cc: Dr. Kenneth Geiger

AFFIDAVIT OF KENNETH H. GEIGER, M.D. KENNETH H. GEIGER, M.D., being duly sworn deposes and says: During the period from October 1, 1973 until some time in 1976 or 1977 I was associated with the Imperial West Medical Group (Medical Group). 2. My attorney has advised me that there is a substantial question as to whether I was a partner in Medical Group, or merely an associate, in any event whether I was or was not a partner the following responses are accurate. I never participated in nor had any authority over management decisions or financial arrangements of Medical I had no right to withdraw funds from or sign checks upon Medical Group accounts at any bank. The initial partners O of Medical Group were Edward Dickstein, M.D., Alvin Markovitz, M.D., and Myron Koch, M.D. These doctors undertook the responsibilities of management and control of the Medical Group, and Edward Dickstein, M.D., exercised the most dominant position. 4. I was never an officer, director or stockholder of OMNI-RX. OMNI-RX was a public corporation controlled by Drs. Dickstein, Markovitz, Koch who were major stockholders, Merv Newell who acted as chief operating office of OMNI-RX, and Harry Standers, an employee, these persons constituted The Board of Directors. OMNI-RX was a management company that -1provided office space, personnel, supplies, equipment, billing and collections for services performed by the partners and associates of the Medical Group, among other things.

5. The only knowledge which I have relating to bank accounts of either OMNI-RX or the Medical Group was that my salary check bore the preprinted signature of Dr. Dickstein and that it was drawn upon the Long Beach Farmers & Merchants Bank. I also am aware of the fact that Merv Newell signed some salary checks, but I do not know upon which accounts these checks were drawn.

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- 6. I never attended any meeting of Medical Group at which political disbursements were discussed, no less authorized. I have no knowledge or information concerning any alleged political contributions made by OMNI-RX or the Medical Group, other than an inquiry made to me by the California Attorney General's Office, to whom I reported that I never knowingly made nor authorized any political contribution from any Medical Group or OMNI-RX account.
- 7. I reiterate that I never knowingly made or authorized a political contribution using funds of the Medical Group, or from any account in Long Beach Farmers & Merchants Bank or Crocker Bank; nor have I ever authorized my name to be used with any political contribution from the Medical Group, OMNI-RX or from accounts in either of those banks.
- 8. Over the years I may have made some minor political contributions from my own checking accounts at First Los Angeles Bank and Citizens Bank and Trust Company, of a magnitude

#### LAW OFFICES

#### DRYDEN, HARRINGTON & SWARTZ

ONE WILSHIRE BUILDING - SUITE 703

WILSHIRE AT GRAND

LOS ANGELES, CALIFORNIA 90017

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.77 JUL 5 AM 9:03

Ms. Biz Van Gelder Federal Election Commission 1325 K Street N.W. Washington D.C. 20463





LAW OFFICES

BRUCE I. HOCHMAN AVRAM BALKIN GEORGE DERCY ARTHUR F. GENERAUX, JR. HARVEY D. TACK MICHAEL W. FRYE NORMAN H. MONEIL CHRISTIAN A. MOSER BARRY L. GUTERMAN RICHARD H. GANNON

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# HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

BEVERLY HILLS, CALIFORNIA 90212

June 27, 1977



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Ms. Biz VanGelder Federal Election Commission 1325 K Street, N.W. Washington, D.C., 20463

Re: MUR 373

Edward Dickstein, M. D., and Merv Newell

Dear Ms. VanGelder:

This letter is intended as a response, in the best way we can under the circumstances, to the questions raised in your letters of June 8, 1977 to Edward R. Dickstein and Merv Newell, my clients. It would appear that some background material would be useful in order to put our response into proper context.

Omni-Rx Health Systems, (Systems) is a public corporation which, up to several months ago, was in the business of providing ancillary and logistical services to physicians and dentists. Dickstein was President and Newell was Executive Vice President; both were Directors.

Omni-Rx Health Care (Care) is a non-profit corporation which, through January, 1977, was engaged in providing medical services to enrollees in its pre-paid health plan. Dickstein and Newell were officers and directors of that corporation as well.

Imperial West Medical Group (IWMG) was a partnership which, until March 14, 1977, was engaged in the practice of medicine. Dickstein, who is a practicing physician, was a member of IWMG; Newell was its busines manager.

In December, 1976, the State of California commenced an action against Systems, Care, IWMG, Dickstein, Newell and others, including Drs. Myron Koch and Alvin Markovitz, alleging violations of a number of statutes, most of which are Securities Regulations. On January 7, 1977, Monte A. Krissman was appointed Special Master for Systems, and given custody and control of all of the assets and records of Systems, IWMG, and certain building partnerships which included some of the same doctors as partners. Later that month,

Ms. Biz VanGelder
Federal Election Commission
June 27, 1977
Page Two

Herbert Wolas was appointed a receiver for Care. As far as we now know, the records of Systems and Care are currently in the possession of Mr. Krissman; we do not have regular or easy access to them.

The first question posed to Dr. Dickstein is difficult to answer for two reasons:

- 1. The use of the term "control" is unclear;
- 2. We do not have access to the necessary records;
- 3. There is no entity "Omni-Rx Health Care Systems" and we are curious as to where you got that designation.

However, we are able to state that four persons had the authority to sign checks drawn on the account in question, being Dickstein, Newell and Drs. Koch and Markovitz. Drs. Koch and Markovitz were members of IWMG and were also directors and officers of Systems.

We do not know who opened the account or when it was opened. Any authority or control exercised by Dickstein and Newell was exercised in their capacity either as a partner in IWMG, or as its business manager.

Dr. Higgenbotham was a partner in IWMG, but was neither an officer nor director of Systems.

I hope the answers set forth herein are of some assistance to you; we are anxious to work with you toward an early resolution of this matter by a conciliation agreement.

I have not attempted to answer your letter addressed to Imperial West Medical Group, because I am not authorized by that group to act for it.

Very truly yours,

GEORGE DEROY

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#### HOCHMAN, SALKIN AND DEROY

A PROFESSIONAL CORPORATION

9100 WILSHIRE BOULEVARD SEVENTH FLOOR-WEST TOWER

BEVERLY HILLS. CALIFORNIA 90212

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Ms. Biz VanGelder Federal Election Commission 1325 K Street, NW. Washington, D. C. 20463

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pec# 779 FRIEDMAN AND CONE ATTORNEYS AT LAW 77 JUN 30 AM 10:09 HENRY FRIEDMAN SUITE MIZO ALLAN E. CONE HOH SAN VICENTE BOULEVARD LOS ANGELES, CALIFORNIA 90049 June 27, 1977 MUR 373 Federal Election Commission 1325 K Street N.W. Washington, D.C. 20463 William C. Oldaker Attention: Gentlemen: This letter will serve to respond to yours dated June 8, 1977, directed to Imperial West Medical Group. This firm is counsel for Myron Koch, M.D. who was, at all pertinent times, a partner of Imperial West Medical Group. It is my intention to take up with my client the various matters referred to in your letter and, more particularly, the inquiries which were attached thereto. We will be in touch with you in the immediate future. Very truly, C AEC:ct of FRIEDMAN AND CONE

#### TRIEDMAN AND CONE

ATTORNEYS AT LAW

SUITE BZO

HEH SAN VICENTE BOULEVARD

LOS ANGELES, CALIFORNIA 90049

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17 JUN 32 M 10:00





Federal Election Commission 1325 K Street N.W. Washington, D.C. 20463

#### OMNI-RX HEALTH SYSTEMS

800 Wilshire Boulevard 11th Floor
Los Angeles, California \$6017/// 20 All 10:23

MONTE A. KRISSMAN Special Master

C

Imperial West Medical Group 11616 South Hawthorne Boulevard Association Hawthorne, California 90250

TO: PARTNERS OR THEIR COUNSEL:

I am addressing this letter to the partners of IWMG or to their lawyers in those cases where I am aware a partnerdoctor has retained counsel. Enclosed is a copy of a selfexplanatory inquiry from the Federal Election Commission dated June 8, 1977.

Monte A. Krissman

Cranford L. Scott, M.D. Ronald W. Strahan, M.D. Anitha T. Mitchell, M.D. Miles J. Rubin, Esq. (Dr. Kenneth H. Geiger) Leo Branton, Esq. (Dr. Robert M. Higgenbotham) Allan E. Cone, Esq. (Dr. Myron Koch) George DeRoy, Esq. (Dr. Edward R. Dickstein) (Merv Newell) Samuel Meyerhoff, Esq. (Dr. Alvin Markovitz) Stanley H. Stone, Esq. (Harry Standers)

William C. Oldaker, Esq. General Counsel, Federal Election Commission Ronald L. Fein, Esq. Chief Deputy Commissioner of Corporations Ronald V. Thunen, Esq. Assistant Attorney General (California) Robert M. Loeffler, Esq.

FEDERAL ELECTION COMMISSION 1325 K STREET N.W. WASHINGTON, D.C. 20463 N. PROPERTY.

POSTAGE AND FEES PAID



Imperial West Medical Group 11616 South Hawthorne Boulevard Hawthorne, California



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1325 K STREET N.W. WASHINGTON, D.C. 20463

June 8, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Imperial West Medical Group 11616 South Hawthorne Boulevard Hawthorne, California

Re: MUR 373

#### Gentlemen:

This letter is to inform you that the Federal Election Commission has received information from the California Department of Corporations which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 373.

The Commission has found reason to believe that the matters alleged therein constitute a violation of 2 USC 441f with respect to the Imperial West Medical Group. More specifically, it appears that the partners of the Imperial West Medical Group, individually, may have permitted their names to be used to effect a contribution by the Omni-Rx Health Care Systems, Inc. (hereinafter referred to as Omni-Rx). Said contribution by Omni-Rx is also a corporate contribution in violation of 2 USC 441b(a).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit and factual or legal materials which you believe are relevant the Commission's analysis of this matter, including a response to the enclosed questions. Where possible, responses could be submitted under oath.

The Commission is under a duty to investigate this ter expeditiously; therefore, your response should be mitted within ten (10) days after receipt of this notification. If you have any questions, please contact Biz van Gelder (telephone no. 202/523-4175), the attorney assigned this case.



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This matter will remain confidential in accordance with 2 USC 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have counsel so notify us in writing.

Sincerely yours,

William C. Oldaker

General Counsel

## FEDERAL ELECTION COMMISSION QUESTIONS TO BE ANSWERED BY THE IMPERIAL WEST MEDICAL GROUP

- ..a) Identify and describe the role and authority of all partners of the Imperial West Medical group who exercised authority with regard to the authorization of specific transfers from the Imperial West Medical Group Trust Account (account no. 001-04510-5 at the Long Beach Farmers and Merchant's Bank into the Imperial West Medical Group Account (account no. 636-062472) at the Lennox Branch of the Crocker Bank, Inglewood, California.
  - b) With respect to above-mentioned transfers, please provide the Commission with the applicable bank statements and copies of withdrawal and deposit slips.
- 2.a) Identify and describe the role and authority of all partners of the Imperial West Medical Group who exercised authority with regard to the authorization of political disbursements to be made from the Imperial West Medical Group Account (account no. 636-062472) at the Lennox Branch of the Crocker Bank, Inglewood, California.

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- b) With respect to the above-mentioned disbursements, please provide the Commission with the applicable bank statements and copies of checks.
- Please describe the process by which the Imperial West Medical Group authorized the making of political disbursements. Include in this description, a list of all Imperial West Medical Group Board meetings at which this policy was discussed.

Please provide a partnership agreement or other relevant documents which indicates the allocation of authority with regard to the setting of general policy for expenditures by IWMG or the planning or authorization of specific expenditures. Please include the names of all partners of IWMG.

OMNI-RX HEALTH SYSTEMS

800 Wilshire Boulevard

11th Floor
Los Ângeles, California 90017





William C. Oldaker, Esq. General Counsel, Federal Election Commission 1325 K Street, N.W. Washington, D.C. 20463



June 16, 1977

Biz Van Gelder Federal Election Commission 1325 K Street, N.W. Washington, D.C. 20463

Dear Ms. Van Gelder:

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Our office is in receipt of a letter from William C. Oldaker, General Counsel, wherein he indicates your commission has begun reviewing the Omni-Rx et al. matter and that you are the attorney assigned to the case. Mr. Oldaker requests that the investigative effort be coordinated between our agencies to avoid duplication of effort. certainly agree that coordination is necessary and desirable and to that end I have assigned this matter to Richard Miller, an attorney in our Enforcement Division. He will be your contact in this agency and should you desire any assistance or information he will be most happy to provide it to you.

Please keep us informed of your progress and we shall do the same. I wish to thank your agency for this contact and look forward to working with you on this and other matters of mutual concern.

Very truly yours,

Frederic M. Hanelt

Director

Enforcement Division

FMH:is

Fair Political Practices Commission 1100 "K" Street Building Post Office Box 807 Sacramento, California 95814

> Ms. Biz Van Gelder Federal Election Commission 1325 K Street, N.W. Washington, D.C. 20463

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DCC 692 HOCHMAN SALKIN AND DEROY BRUCE I. HOCHMAN AREA CODE 213 A PROFESSIONAL CORPORATION AVRAM SALKIN GEORGE DEROY 272-056 ARTHUR P. GENERAUX, JE 9100 WILSHIRE BOULEVARD HARVEY D. TACK SEVENTH FLOOR WEST TOWER MICHAEL W. FRYE BEVERLY HILLS, CALIFORNIA 90212 NORMAN H. MCNEIL CHRISTIAN A. MOSER BARRY L. GUTERMAN June 15, 1977 RICHARD H. GANNON Ms. Biz VanGelder Federal Election Commission 1325 K Street, N.W. Washington, D.C. 20463 Re: MUR 373 Dear Ms. VanGelder: As I indicated to you today by phone, Dr. Dickstein and Mr. Newell are my clients, and I will be representing them in connection with this matter. Because the communications to them were addressed to previous business addresses, they were delayed in transmission, and were only received by me yesterday, June 14th. I immediately placed copies in the mail to Dr. Dickstein and Mr. Newell. I will not be able to respond to your request for information until next week, but will do so at that time. Very truly yours, GD/gk

#### HOCHMAN, SALKIN AND DEROY

A PROLESSIONAL CORPORATION

9100 WILSHIRE BOULEVARD
SEVENTH FLOOR WEST TOWER
BEVERLY HILLS, CALIFORNIA 90212

Ms. Biz VanGelder Federal Election Commission 1325 "K" Street, N.W. Washington, D. C. 20463 EVELLE J. YOUNGER

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STATE OF CALIFORNIA



OFFICE OF THE ATTORNEY GENERAL

.77 JUN 17 AM 8:07

### Department of Instice

555 CAPITOL MALL. SUITE 350

SACRAMENTO 95814 (916) 445-9555

June 13, 1977

771837

Ms. Biz Van Gelder Attorney Federal Election Commission 1325 K Street N.W. Washington, D.C. 20463

Dear Gelder:

Re: MUR 373 (77)

Enclosed is material with regard to the above investigation.

Sincerely yours,

EVELLE J. YOUNGER Attorney General

JOHN A. GORDNIER

Deputy Attorney General

JAG:vdb Enc.

# January 1, 1974 to December 6, 1974

## Audit Comment:

A single statement was filed by the major conor for the period January 1, 1974 to December 6, 1974. On that statement, the following reported contributions were transmitted by checks bearing the name "Coni-Rex Health Systems, IVIG Trust" and were resported by the recipient as received from "Omni-Rex Health Systems":

Date	Pavae	Amount
4-18-74	Moretti Dinner Committee	\$1,500
4-19-74	Committee to Elect Otto Lacayo	\$ 500

This report is for clarification purposes only.

#### Conclusion:

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The general counsel of the Imperial West Medical Group pointed out that the checks issued also bear the words "TWAG Trust" and that "it is easy to understand the reporting error of the recipients . . . ".

#### RI FEDERAL

#### DEPARTMENT OF CORPORATIONS

Los Angeles, California June 2, 1977 / JUN



IN REPLY REFER TO:

FILE NO.

Ms. Biz Van Gelder Federal Election Commission 1325 K Street, N.W. Washington, D. C. 20463

MMR 373

Reference: OMNI-RX

Dear Ms. Van Gelder:

Pursuant to our telephone conversations on June 1, 1977, enclosed please find copies of four signed statements from the following individuals:

Kenneth Geiger, M.D. Barnett Grier, Jr., M.D. Lawrence Hall, M.D. Anitha Mitchell, M.D.

If our office can be of further assistance to you, please contact either the undersigned or Mark Richelson (telephone: (213) 736-3137).

Yours very truly,

DAVID PASTERNAK Corporations Counsel

(213) 736-2510

DP:fn

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Enclosures

#### STATEMENT OF KENNETH GEIGER, M.D.

I, KENNETH GEIGER, M.D., have been associated with Imperial West Medical Group since October 1, 1973. From that date to the present, I have never authorized the making of any political campaign contribution in my name by Imperial West Medical Group. I was not informed at any time prior to December 15, 1976 that any contribution had been made in my name. I we never received any accounting from Imperial West in our or any other source regarding expenses incurred by Imperial West on my account.

DATED: February X, 1977.

KENNETH GEIGER

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Q.

#### STATEMENT OF BARNETT GRIER, JR., M.D.

I, BARNETT GRIER, JR., M.D., was associated with Imperial West Medical Group from January 1974 until September 30, 1976. I have never authorized the making of any political campaign contribution in my name by Imperial West Medical Group. I was never informed that any contribution had been made in my name. I have never received any accounting from Imperial West Medical Group or any other source regarding political contributions allegedly incurred by Imperial West on my account.

DATED: February 8, 1977.

BARNETT GRIER, JR, M.D.

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#### STATEMENT OF LAWRENCE HALL, M.D.

I, LAWRENCE HALL, M.D., was associated with Imperial West Medical Group from March 1975 until January 1977. I have never been a partner in Imperial West Medical Group.

I never authorized Imperial West Medical Group to make any political campaign contributions in my name, and I was not informed that Imperial West Medical Group had made such contributions at any time prior to February 2, 1977.

DATED: February 7, 1977.

LAWRENCE HALL, M.D.

#### STATEMENT OF ANITHA MITCHELL, M.D.

I, ANITHA MITCHELL, M.D., became associated with Imperial West Medical Group on or about August 1, 1974. I have never authorized a political campaign contribution in my name by Imperial West Medical Group either before or after the fact. I was not aware that any contributions were made in my name until I received a letter from the Jimmy Carter campaign thanking me for my contribution. I do not recall any partners' meeting of Imperial West Medical Group where the partners decided to make any political campaign contribution.

DATED: February 7, 1977.

anth plate, M.D.

# DEPARTMENT OF CORPORATIONS ... 600 S. COMMONWEALTH AVENUE LOS ANGELES, CA 90005



1325 K STREET N.W. WASHINGTON, D.C. 20463

JUN 0 8 1977

Los Angeles District Attorney's Office Los Angeles, California

Re: MUR 373 (77)

Dear Sirs:

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The Federal Election Commission has received a report from the California Department of Corporations (also forwarded to your office) stating that Omni-Rx Health Care Systems, Inc., the Imperial West Medical Group, Edward Dickstein and Merv Newell may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission has begun reviewing the matter pursuant to its enforcement authority under 2 USC §437g and has numbered this matter MUR 373.

The Federal Election Commission has exclusive civil jurisdiction over actions initiated to enforce the Act, see 2 U.S.C. §437d(e). This jurisdiction is of course limited to those areas connected with Federal elections. Since your office may desire to take action against the abovementioned parties for state violations we would appreciate coordinating our efforts with your office to insure maximum efficiency in our investigation without duplication of efforts.

Please note that 2 USC 437g(a)(3) enjoins any person from making public the fact of any "notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this case is Biz Van Gelder (telephone no. 202/523-4175). Ms. Van Gelder will be in contact with your office shortly to consolidate



our efforts with yours. If you have any questions, please do not hesitate to call or write her.

Sincerely yours,

William C. Oldaker General Counsel



1325 K STREET N.W. WASHINGTON, D.C. 20463

Mr. John Gordnier Attorney General's Office 355 Capital Mall, Room 466 Sacramento, California 95814 JUN 0 8 1977

Re: MUR 373 (77)

Dear Mr. Gordnier:

The Federal Election Commission has received a report from the California Department of Corporations (also forwarded to your office) stating that Omni-Rx Health Care Systems, Inc., the Imperial West Medical Group, Edward Dickstein and Merv Newell may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission has begun reviewing the matter pursuant to its enforcement authority under 2 USC \$437g and has numbered this matter MUR 373.

The Federal Election Commission has exclusive civil jurisdiction over actions initiated to enforce the Act, see 2 USC 437d(e). This jurisdiction is, of course, limited to those areas connected with Federal elections. Since your office has jurisdiction over all criminal matters relating to state campaigns, we would appreciate coordinating our efforts with your office to insure maximum efficiency in our investigation without duplication of efforts. We will be in touch with you shortly.

Please note, that 2 USC 437q(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this case is Biz Van Gelder (telephone no. 202/ 523-4175). Please do not hesitate to call or write her if you have any questions.

Sincerely yours,

William C. Oldaker

General Counsel



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1325 K STREET N.W. WASHINGTON, D.C. 20463

California Fair Political Practice Commission 555 Capital Mall Sacramento, California

JUN 0 8 1977

Re: MUR 373

Dear Sirs:

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The Federal Election Commission has received a report from the California Department of Corporations (also forwarded to your office) stating that Omni-Rx Health Care Systems, Inc., the Imperial West Medical Group, Edward Dickstein and Merv Newell may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission has begun reviewing the matter pursuant to its enforcement authority under 2 USC §437g and has numbered this matter MUR 373.

The Federal Election Commission has exclusive civil jurisdiction over actions initiated to enforce the Act, see 2 U.S.C. §437d(e). This jurisdiction is of course limited to those areas connected with Federal elections. Since your office has jurisdiction over civil matters relating to state campaigns, we would appreciate coordinating our efforts with your office to insure maximum efficiency in our investigation without duplication of efforts.

Also note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this case is Biz Van Gelder (telephone no. 202/523-4175), please do not hesitate to call or write her if you have any questions.

Sincerely yours,

William C. Oldaker General Counsel





1325 K STREET N.W. WASHINGTON,D.C. 20463

JUN 0 8 1977

Mr. Willie R. Barnes California Department of Corporations 600 South Commonwealth Avenue Los Angeles, California 90005

RE: MUR 373 (77)

Dear Mr. Barnes:

We appreciate your forwarding to us the report concerning the activities of Omni-Rx Health Care System, Inc., and other related groups and parties. The Commission has begun reviewing the matter pursuant to its enforcement authority under 2 U.S.C. §437g and has numbered it MUR 373 (77).

If you have any further information you wish to make available to the Commission, please notify the Commission as soon as possible. In particular, I direct your attention to the following:

- (1) Any depositions, signed statements, or investigatory files which would support the contentions that members of the Imperial West Medical Group, other than Messrs. Dickstein and Newell, did not have knowledge or did not authorize contributions in their names.
- (2) Any bank statements or other receipts which would substantiate the transfers from Omni-Rx to the Imperial West Trust Account and then into the Imperial West Account and from there into the actual contributions.

If the above mentioned materials are available, we would like to arrange with you a mutually convenient method for their transmittal to or copying by the Commission.



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Please note that 2 USC 437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this case is Biz Van Gelder (telephone no. 202/523-4175). Please do not hesitate to call or write if you have any further questions.

Sincerely yours,

William C. Oldaker General Counsel



1325 K STREET N.W. WASHINGTON, D.C. 20463

JUN 0 8 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Imperial West Medical Group 11616 South Hawthorne Boulevard Hawthorne, California

Re: MUR 373

Gentlemen:

This letter is to inform you that the Federal Election Commission has received information from the California Department of Corporations which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 373.

The Commission has found reason to believe that the matters alleged therein constitute a violation of 2 USC 441f with respect to the Imperial West Medical Group. More specifically, it appears that the partners of the Imperial West Medical Group, individually, may have permitted their names to be used to effect a contribution by the Omni-Rx Health Care Systems, Inc. (hereinafter referred to as Omni-Rx). Said contribution by Omni-Rx is also a corporate contribution in violation of 2 USC 441b(a).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter, including a response to the enclosed questions. Where possible, responses should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days after receipt of this notification. If you have any questions, please contact Biz Van Gelder (telephone no. 202/523-4175), the attorney assigned to this case.



This matter will remain confidential in accordance with 2 USC 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have counse! so notify us in writing.

Sincerely yours,

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William C. Oldaker General Counsel

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## FEDERAL ELECTION COMMISSION QUESTIONS TO BE ANSWERED BY THE IMPERIAL WEST MEDICAL GROUP

- 1.a) Identify and describe the role and authority of all partners of the Imperial West Medical group who exercised authority with regard to the authorization of specific transfers from the Imperial West Medical Group Trust Account (account no. 001-04510-5 at the Long Beach Farmers and Merchant's Bank into the Imperial West Medical Group Account (account no. 636-062472) at the Lennox Branch of the Crocker Bank, Inglewood, California.
  - b) With respect to above-mentioned transfers, please provide the Commission with the applicable bank statements and copies of withdrawal and deposit slips.
- 2.a) Identify and describe the role and authority of all partners of the Imperial West Medical Group who exercised authority with regard to the authorization of political disbursements to be made from the Imperial West Medical Group Account (account no. 636-062472) at the Lennox Branch of the Crocker Bank, Inglewood, California.

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- b) With respect to the above-mentioned disbursements, please provide the Commission with the applicable bank statements and copies of checks.
- 3. Please describe the process by which the Imperial West Medical Group authorized the making of political disbursements. Include in this description, a list of all Imperial West Medical Group Board meetings at which this policy was discussed.
- 4. Please provide a partnership agreement or other relevant documents which indicates the allocation of authority with regard to the setting of general policy for expenditures by IWMG or the planning or authorization of specific expenditures. Please include the names of all partners of IWMG.



1325 K STREET N.W. WASHINGTON,D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN 0 8 1977

Omni-Rx Health Care Systems, Inc. Edward R. Dickstein, President 11616 South Hawthorne Boulevard Hawthorne, California

Re: MUR 373

Dear Dr. Dickstein:

This letter is to notify you that the Federal Election Commission has received information from the California Department of Corporations which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 373.

The Commission has reason to believe that the matters alleged therein state a violation of 2 USC 441b (a) for the transfers of corporate monies of Omni-Rx Health System, Inc. into a trust account in the name of the Imperial West Medical Group, which enabled the Imperial West Medical Group to make political contributions in the name of its partners. The Commission has also found reason to believe that a violation of 2 USC 441f has occurred with respect to the allegation that you and Mr. Merv Newell as responsible officers of Omni-Rx made contributions in the name of another, that is, the partners of Imperial West. It should be noted, that as the responsible officer of Omni-Rx Health Care Systems, Inc., both allegations pertain to you in your official and individual capacity.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter, including a response to the following questions:

 Identify and describe the title and authority of all officers of Omni-Rx Health Care Systems, Inc. who exercised control over the opening and maintenance of the Imperial West Medical Group Trust Account (account no. 001-04510-5)



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The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days after receipt of this notification. If you have any questions, please contact Biz Van Gelder (telephone no. 202/523-4175), the attorney assigned to this case.

This matter will remain confidential in accordance with 2 USC 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

William C. Oldaker General Counsel

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1325 K STREET N.W. WASHINGTON,D.C. 20463 JUN 0 8 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Merv Newell, Treasurer Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Boulevard Hawthorne, California

Re: MUR 373

Dear Mr. Newell:

This letter is to notify you that the Federal Election Commission has received information from the California Department of Corporations which alleges certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 373.

The Commission has reason to believe that the matters alleged therein indicate that you have violated 2 U.S.C. §441b(a) by signing political contribution checks which were funded indirectly from corporate funds. The Commission has also found reason to believe that you have violated 2 U.S.C. §441f by making contributions in the name of another, more precisely, in the name of the individual partners of the Imperial West Medical Group.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter including a response to the following question:

What are your duties/title with respect to your position with the Imperial West Medical Group?

Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days after the receipt of this notification. If you have any questions, please contact Biz Van Gelder (telephone no. 202/523-4175), the attorney



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assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

With off Lee

William C. Oldaker General Counsel

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#### BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Omni-Rx Health Care Systems Inc.,
Imperial West Medical Group
Edward Dickstein, Merv Newell

MUR 373 (77)

#### CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election

Commission, do hereby certify that on June 6, 1977, the Commission

adopted the recommendation of the General Counsel that it finds

Reason to Believe that a violation of the Federal Election Campaign

Act, as amended, had been committed in the above-captioned matter.

Marjorie W. Emmons

Secretary to the Commission



1325 K STREET N.W. WASHINGTON, D.C. 20463

June 6, 1977

MEMORANDUM TO: CHARLES STEELE

FROM:

MARJORIE W. EMMONS

SUBJECT:

MUR 373 (77)

The above-mentioned document was transmitted to the Commissioners at 9:30 a.m., June 3, 1977.

As of 9:30 a.m., June 6, 1977, no objections have been received in the Office of Commission Secretary to the staff recommendations in MUR 373 (77).



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1325 K STREET N.W. WASHINGTON,D.C. 20463

June 2, 1977

MEMORANDUM TO: Marge Emmons

FROM:

Charles N. Steele

SUBJECT:

MUR 373 (77)

Would you please distribute the attached to the Commission on a 24 hour no-objection basis.

Attachment



DATE AND TIME OF TRANSHITTAL:

NO. MUR 373 (77) March 3, 1977

FEDERAL ELECTION COMMISSION Washington, D. C.

omplainant's Name:	Referral	from	the	California	Department	of	Corporations

during the normal course of business

Omni-Rx Health Care Systems Inc., Imperial West Medical Group.

Edward Dickstein, Merv. Newell espondent's Mame:

2 USC 441b(a), 441f elevant Statute:

nternal Reports Checked: from above-named respondents

edomal Agencies Checked:

### SUMMARY OF ALLEGATION :

The allegations in this MUR arise out of a letter sent to the Commission from The California Department of Corporations, regarding the political activities of Omni-Rx Health Systems, Inc. (hereinafter Omni-Rx), a publicly held California corporation; Omni-Rx Health Care, Inc. (hereafter, Care), a non-profit California corporation engaged in providing prepaid health services; and Imperial West Medical Group (hereafter, Imperial West), a partnership, allegedly controlled and (cont).

### PRELIMINARY LEGAL ANALYSIS

The evidence which supports the allegations above was discovered by the California Department of Corporations during an investigation of health care plans in that state.

Omni-Rx Health Systems, Inc. is a publicly held corporation (incorporated in California in 1971) which manages pre-paid health care plans in conjunction with an affiliated non-profit corporation, Omni-Rx Health Care, Inc. Imperial West provides the doctors for the health plan. Together the three (cont.) RECOMMENDATION

Find Reason to Believe with respect to each of the above-enumerated

# SUMMARY OF ALLEGATION managed by Omni-Rx, which engages in group medical practice. The specific statutory issues within the jurisdiction of the Commission are as follows: That Omni Rx has violated 2 U.S.C. §44lb(a) by making contributions to federal candidates by filtering money through a trust account normally controlled by Imperial West but actually controlled by Omni-Rx. That at least two of the responsible officers of Omni-Rx and Imperial West, Edward Dickstein and Merv Newell, may have violated 2 U.S.C. §441f by making contributions in the name of another-- e.g., other partners of Imperial West. Furthermore, unless rebutted by the individual partners of IWMG, each partner may have violated 441f by allowing his/her name to be used to effect a contribution by Omni-Rx in the name of another. PRELIMINARY LEGAL ANALYSIS 1 organizations comprise a complete health plan package. All three were founded by the same people and are governed by interlocking directorates. Edward Dickstein is President and Chairman of the Board of Omni-Rx and Secretary/Treasurer of Care. In addition, Mr. Dickstein is also a founding partner of Imperial West. Merv Newell is Executive Vice President, Treasurer and a member of the board of Omni-Rx as well as a Director of Care. California report states that Mr. Newell was not an officer, employee or partner of Imperial West, but a review of our reports has him listing himself as "business manager" of Imperial West.

- 3 PRELIMINARY LEGAL ANALYSIS

Allegation 1:

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The California Department of Corporations letters describes a scheme under which monies deposited in an Omni-Rx Systems Account Account were transferred to an Imperial West account. Beginning in 1974 and continuing through 1976, a substantial portion of the monies in the Imperial West Account (\$100,440 or 60%) was then utilized for political contributions. Appendix A of the California Department of Corporations letter set forth all political contributions made by Imperial West. One initial review indicates that \$26,500 of the contributions went to federal candidates and 47% of the total federal contributions were reported.

The California letter states that no Omni-Rx board meeting ever discussed making advances to Imperial West for political contributions and that, in fact, Imperial West owed Omni-Rx almost two million dollars. Furthermore, no partnership meeting of Imperial West ever disclosed any discussion of making political contributions. Finally, out of the 78 contributions, 76 were signed by Newell and the remaining 2 by Dickstein. As mentioned above both were in positions of authority, in Omni-Rx and Imperial West.

On the basis of the information supplied, we believe there is reason to believe that corporate money from Omni-Rx may have been diverted for political purposes, through the Imperial West Account, thereby violating §44lb(a).

### Allegation 2:

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The Imperial West checks were allegedly drawn on behalf of 11 individuals, (including Newell and Dickstein) according to the California Department of Corporations letter. However, the letter goes on to indicate, that with the exception of Newell and Dickstein, all of the other alleged contributors may not have had knowledge of their contribution. Thus, there is reason to believe that Newell and Dickstein may have knowingly made contributions in the name of another, thereby violating 2 U.S.C. §441f.

#### RECOMMENDATION

Also send the attached letters to the California Attorney General, the California Fair Political Practices Commission, and the Los Angeles District Attorney -- the three other government agencies named as recipients of the Department of Corporations letter. In conducting the investigation of this matter we would expect to work with these other agencies, as well as the California Department of Corporations to whom we have also sent a letter.

## Memorandum

The Federal Election Commission To 1325 "K" Street, N.W. Washington, D. C. 20463

March 4, 1977 Date

File No.7 ALPHA

Subject:

VIOLATION OF POLITICAL CONTRIBUTION LAWS BY

OMNI-RX AND ITS

ASSOCIATES

From: Department of Corporations

600 South Commonwealth Avenue Los Angeles, California 90005

77075

Reference is made to the memorandum forwarded to you dated March 3, 1977 by the Department of Corporations. Subject: Violation of Political Contribution Laws by Omni-Rx and Its Associates.

Appendix A attached to that memorandum lists Check No. 1093 dated 9/16/75 amount \$1,250.00 recipient Californians for an Effective Legislature. Appendix C lists a check reported on 9/19/76 (typographical error - should be 9/19/75) for \$1,250.00 with the recipient being Leo McCarthy. This is a duplicate reporting of the same contribution. Californians for an Effective Legislature is a controlled committee of Assemblyman Leo McCarthy.

Appendix D lists an IWMG disbursement dated 2/25/76 Check No. 1121 in the amount of \$1,000.00 to the McCarthy Dinner Committee. The McCarthy Dinner Committee is a dinner committee for State Assemblyman Leo McCarthy.

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Thank you for your attention to this correction.

WILLIE R. BARNI Commissioner of Corporations

WRB:1s

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1325 K STREET N.W. WASHINGTON, D.C. 20463

# CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Merv Newell, Treasurer Omni-Rx Health Care Systems, Inc. 11616 South Hawthorne Boulevard Hawthorne, California

Re: MUR 373

Dear Mr. Newell:

This letter is to notify you that the Federal Election Commission has received information from the California Department of Corporations which alleges certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 373. A copy of the report is enclosed.

The Commission has reason to believe that the matters alleged therein indicate that you have violated 2 U.S.C. §441b(a) by signing political contribution checks which were funded indirectly from corporate funds. The Commission has also found reason to believe that you have violated 2 U.S.C. §441f by making contributions in the name of another, more precisely, in the name of the individual partners of the Imperial West Medical Group.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter including a response to the following question:

What are your duties/title with respect to your position with the Imperial West Medical Group?

Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days after the receipt of this notification. If you have any questions, please contact Biz Van Gelder (telephone no. 202/523-4175), the attorney



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assigned to this case.

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This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,



1325 K STREET N.W. WASHINGTON, D.C. 20463

Mr. Willie R. Barnes California Department of Corporations 600 South Commonwealth Avenue Los Angeles, California 90005

RE: MUR 373 (77)

Dear Mr. Barnes:

We appreciate your forwarding to us the report concerning the activities of Omni-Rx Health Care System, Inc., and other related groups and parties. The Commission has begun reviewing the matter pursuant to its enforcement authority under 2 U.S.C. §437g and has numbered 1t MUR 373 (77).

If you have any further information you wish to make available to the Commission, please notify the Commission as soon as possible. In particular, I direct your attention to the following:

- (1) Any depositions, signed statements, or investigatory files which would support the contentions that members of the Imperial West Medical Group, other than Messrs. Dickstein and Newell, did not have knowledge or did not authorize contributions in their names.
- (2) Any bank statements or other receipts which would substantiate the transfers from Omni-Rx to the Imperial West Trust Account and then into the Imperial West Account and from there into the actual contributions.

If the above mentioned materials are available, we would like to arrange with you a mutually convenient method for their transmittal to or copying by the Commission.



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Please note that 2 USC 437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this case is Biz Van Gelder (telephone no. 202/523-4175). Please do not hesitate to call or write if you have any further questions.

Sincerely yours,



1325 K STREET N.W. WASHINGTON,D.C. 20463

Los Angeles District Attorney's Office Los Angeles, California

Re: MUR 373 (77)

Dear Sirs:

The Federal Election Commission has received a report from the California Department of Corporations (also forwarded to your office) stating that Omni-Rx Health Care Systems, Inc., the Imperial West Medical Group, Edward Dickstein and Merv Newell may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission has begun reviewing the matter pursuant to its enforcement authority under 2 USC §437g and has numbered this matter MUR 373.

The Federal Election Commission has exclusive civil jurisdiction over actions initiated to enforce the Act, see 2 U.S.C. §437d(e). This jurisdiction is of course limited to those areas connected with Federal elections. Since your office may desire to take action against the abovementioned parties for state violations we would appreciate coordinating our efforts with your office to insure maximum efficiency in our investigation without duplication of efforts.

Please note that 2 USC 437g(a)(3) enjoins any person from making public the fact of any "notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this case is Biz Van Gelder (telephone no. 202/523-4175). Ms. Van Gelder will be in contact with your office shortly to consolidate



our efforts with yours. If you have any questions, please do not hesitate to call or write her.

Sincerely yours,



1325 K STRFET N.W. WASHINGTON, D.C. 20463

California Fair Political Practice Commission 555 Capital Mall Sacramento, California

Re: MUR 373

Dear Sirs:

The Federal Election Commission has received a report from the California Department of Corporations (also forwarded to your office) stating that Omni-Rx Health Care Systems, Inc., the Imperial West Medical Group, Edward Dickstein and Merv Newell may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission has begun reviewing the matter pursuant to its enforcement authority under 2 USC §437g and has numbered this matter MUR 373.

The Federal Election Commission has exclusive civil jurisdiction over actions initiated to enforce the Act, see 2 U.S.C. §437d(e). This jurisdiction is of course limited to those areas connected with Federal elections. Since your office has jurisdiction over civil matters relating to state campaigns, we would appreciate coordinating our efforts with your office to insure maximum efficiency in our investigation without duplication of efforts.

Also note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this case is Biz Van Gelder (telephone no. 202/523-4175), please do not hesitate to call or write her if you have any questions.

Sincerely yours,





1325 K STREET N.W. WASHINGTON,D.C. 20463

Mr. John Gordnier Attorney General's Office 355 Capital Mall, Room 466 Sacramento, California 95814

Re: <u>MUR 373 (77)</u>

Dear Mr. Gordnier:

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The Federal Election Commission has received a report from the California Department of Corporations (also forwarded to your office) stating that Omni-Rx Health Care Systems, Inc., the Imperial West Medical Group, Edward Dickstein and Merv Newell may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission has begun reviewing the matter pursuant to its enforcement authority under 2 USC §437g and has numbered this matter MUR 373.

The Federal Election Commission has exclusive civil jurisdiction over actions initiated to enforce the Act, see 2 USC 437d(e). This jurisdiction is, of course, limited to those areas connected with Federal elections. Since your office has jurisdiction over all criminal matters relating to state campaigns, we would appreciate coordinating our efforts with your office to insure maximum efficiency in our investigation without duplication of efforts. We will be in touch with you shortly.

Please note, that 2 USC 437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this case is Biz Van Gelder (telephone no. 202/523-4175). Please do not hesitate to call or write her if you have any questions.

Sincerely yours,





1325 K STREET N.W. WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Imperial West Medical Group 11616 South Hawthorne Boulevard Hawthorne, California

Re: MUR 373

Gentlemen:

This letter is to inform you that the Federal Election Commission has received information from the California Department of Corporations which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 373. A copy of the report is enclosed.

The Commission has found reason to believe that the matters alleged therein constitute a violation of 2 USC 441f with respect to the Imperial West Medical Group. More specifically, it appears that the partners of the Imperial West Medical Group, individually, may have permitted their names to be used to make contributions by the Omni-Rx Health Care Systems, Inc. (hereinafter referred to as Omni-Rx) Said contribution by Omni-Rx is also a corporate contribution in violation of 2 USC 441b(a).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter, including a response to the enclosed questions. Where possible, responses should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days after receipt of this notification. If you have any questions, please contact Biz Van Gelder (telephone no. 202/523-1175), the attorney assigned to this case.



This matter will remain confidential in accordance with 2 USC 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have counsel so notify us in writing.

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Sincerely yours,

# FEDERAL ELECTION COMMISSION QUESTIONS TO BE ANSWERED BY THE IMPERIAL WEST MEDICAL GROUP

- 1.a) Identify and describe the role and authority of all partners of the Imperial West Medical group who exercised authority with regard to the authorization of specific transfers from the Imperial West Medical Group Trust Account (account no. 001-04510-5 at the Long Beach Farmers and Merchant's Bank into the Imperial West Medical Group Account (account no. 636-062472) at the Lennox Branch of the Crocker Bank, Inglewood, California.
  - b) With respect to above-mentioned transfers, please provide the Commission with the applicable bank statements and copies of withdrawal and deposit slips.
- 2.a) Identify and describe the role and authority of all partners of the Imperial West Medical Group who exercised authority with regard to the authorization of political disbursements to be made from the Imperial West Medical Group Account (account no. 636-062472) at the Lennox Branch of the Crocker Bank, Inglewood, California.
  - b) With respect to the above-mentioned disbursements, please provide the Commission with the applicable bank statements and copies of checks.
- 3. Please describe the process by which the Imperial West Medical Group authorized the making of political disbursements. Include in this description, a list of all Imperial West Medical Group Board meetings at which this policy was discussed.
- 4. Please provide a partnership agreement or other relevant documents which indicates the allocation of authority with regard to the setting of general policy for expenditures by IWMG or the planning or authorization of specific expenditures. Please include the names of all partners of IWMG.



1325 K STREET N.W. WASHINGTON,D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Omni-Rx Health Care Systems, Inc. Edward R. Dickstein, President 11616 South Hawthorne Boulevard Hawthorne, California

Re: MUR 373

Dear Dr. Dickstein:

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This letter is to notify you that the Federal Election Commission has received information from the California Department of Corporations which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 373. A copy of the report is enclosed.

The Commission has reason to believe that the matters alleged therein state a violation of 2 USC 441b (a) for the transfers of corporate monies of Omni-Rx Health System, Inc. into a trust account in the name of the Imperial West Medical Group, which enabled the Imperial West Medical Group to make political contributions in the name of its partners. The Commission has also found reason to believe that a violation of 2 USC 441f has occurred since you and Mr. Merv Newell as responsible officers of Omni-Rx signed contribution checks to be allocated in the name of another, that is, the partners of Imperial West. It should be noted, that as the responsible officer of Omni-Rx Health Care Systems, Inc., both allegations pertain to you in your official and individual capacity.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter, including a response to the following questions:

 Identify and describe the title and authority of all officers of Omni-Rx Health Care Systems, Inc. who exercised control over the opening and maintainence of the Imperial West Medical Group Trust Account (account no. 001-04510-5)



- What are the duties/title of Merv Newell and Robert Higgenbotham with respect to their positions with Omni-Rx Health Care Systems, Inc.
- 3. What are your duties with respect to your position as President of Omni-Rx Health Care Systems, Inc.

Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days after receipt of this notification. If you have any questions, please contact Biz Van Gelder (telephone no. 202/523-4175), the attorney assigned to this case.

This matter will remain confidential in accordance with 2 USC 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

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Sincerely yours,

To

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# Membrandum

The Federal Election Commission, 1325 "K" Street, N.W. Washington, D. C. 20463

Date : March 3, 1977

FIL No. 9 ALPHA

Subject :

ECTION

VIOLATION OF POLITICAL CONTRIBUTION LAWS BY

OMNI-RX AND ITS

ASSOCIATES

From: Department of Corporations
600 South Commonwealth Avenue
Los Angeles, California 90005

770730

The following information was discovered during an investigation undertaken by the California Commissioner of Corporations, Willie R. Barnes, pursuant to his statutory power to administer various laws, including the Knox-Keene Health Care Service Plan Act of 1975, California Health and Safety Code Sections 1340, et sandard the Corporate Securities Law of 1968, California Corporational Code Sections 25000, et seq. We are forwarding this information to you so that your office might be informed of what we believe to be violations of laws which are administered by your office. We have simultaneously forwarded the information contained herein to the California Attorney General's office, the California Fair Political Practices Commission, and to the District Attorney for Los Angeles County.

Our review of the Federal Election Campaign Laws indicate that the following information discloses possible violations of at least four Federal statutes within your jurisdiction. First, it appears that 14 U.S.C. Section 441a(a)(1)(A) (prohibiting any person from making contributions to any candidate for federal office which, in the aggregate, exceed \$1,000) has been violated. Second, it appears that 14 U.S.C. Section 441a(a)(3) (prohibiting any individual from making contributions aggregating more than \$25,000 in any calendar year) has been violated. Third, the information contained herein indicates that 14 U.S.C. Section 441f (prohibiting persons from making contributions in the name of another person) has been violated. Finally, it appears that 14 U.S.C. Section 441b(a) (prohibiting both contributions by corporations and officers or directors of corporations from consenting to such contributions) has also been violated.

### THE PARTIES AND THEIR INTERRELATIONSHIPS

In order to fully comprehend the information contained herein, a preliminary identification of the individuals and entities involved is necessary.

The Federal Election Commission March 3, 1977 Page Two

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Omni-Rx Health Systems, Inc. (Omni-Rx) is a publicly held corporation, which was incorporated under the laws of the state of California in 1971. Its principal place of business is at 11616 South Hawthorne Boulevard, Hawthorne, California.

Omni-Rx Health Care, Inc. (Care) is a non-profit corporation engaged in the business of providing prepaid health services. Care received its major business from a contract with the State of California entered into pursuant to the Waxman-Duffy Prepaid Health Plan Act (California Welfare and Institutions Code Sections 14200 et seq.). Under that contract, the State makes flat rate capitation payments for Medi-Cal eligible persons who have enrolled in Omni-Rx's plan. Care provides a wide range of medical services for the Medi-Cal eligible enrollees. Omni-Rx receives a percentage of such State monies in exchange for the management services which it provides.

Imperial West Medical Group (IWMG) is a partnership which engages in group medical practice. IWMG has a contract with Omni-Rx under which Omni-Rx provides management, logistical support, and ancillary support. In essence, Omni-Rx supplies IWMG with everything which it needs to practice medicine except for the physicians themselves. IWMG has a contract with Care under which IWMG receives a percentage of the State capitation payments in exchange for providing the bulk of the physician services which are required by Care's plan members.

Edward R. Dickstein is the President and Chairman of the Board of Directors of Omni-Rx. Dickstein was a founder of Omni-Rx and directly or indirectly owns approximately 20.3% of its outstanding common stock. In addition, Dickstein has been the Secretary/ Treasurer of Care since its incorporation. Dickstein is also one of the three original partners of IWMG.

Merv Newell is Executive Vice President and Treasurer and a Director of Omni-Rx. Newell was Vice President for Corporate Finance of Omni-Rx. Newell directly or indirectly owns approximately 3% of the outstanding common stock of Omni-Rx. Newell has also been Vice President and a Director of Care since its incorporation. Although Newell was not a shareholder, director, officer or employee of lWMG, he signed almost all of the political contribution checks drawn on the IWMG checking account.

Alvin Markovitz is a Senior Vice President and a member of the Board of Directors of Omni-Rx. Markovitz was a founder of Omni-Rx and directly or indirectly owns approximately 19.4% of its outstanding common stock. In addition, Markovitz was one of the original partners of IWMG.

Myron Koch is a Senior Vice President and a Director of Omni-Rx. Koch was also a founder of Omni-Rx and directly or indirectly owns approximately 19.4% of its outstanding common stock. In

The Federal Election Commission March 3, 1977 Page Three addition, Koch was one of the three original partners of IWMG. Harry Standers is Senior Vice President and Secretary and a Director of Omni-Rx. Standers has also been President and a member of the Board of Directors at Care since its incorporation. In summary, the five individuals named above (Dickstein, Newell, Markovitz, Koch and Standers) are the five Directors of Omni-Rx. In addition, they are the officers of Omni-Rx. While TWMG originally consisted of only Dickstein, Markovitz and Koch, it now has other partners in addition to those three principal partners. Finally, in order to further document the interrelationships which exist, it might be noted that all real property which is occupied  $\overline{\phantom{a}}$ by Omni-Rx, whether used by Omni-Rx or furnished to IWMG or Care, is owned or controlled or both by various combinations of the five men named above. POLITICAL CONTRIBUTION INFORMATION During the course of our investigation, we discovered information regarding 86 political contributions by the parties involved. The source of 78 of these payments is a bank account entitled "Imperial West Medical Group" (hereinafter IWMG Account). IWMG Account is an account belonging to IWMG. It is account number 636-062472 at the Lennox Branch of Crocker Bank (4720 West Imperial Highway, Inglewood, California). Appendix A, attached hereto, specifies the numbers of each of these checks, the date on which each of these 78 checks was written, the amount of each check, and the payee of each check. The monies deposited in the IWMG Account were initially derived from a Systems account entitled "Omni-Rx Health Systems IWMG Trust" (hereinafter IWMG Trust Account). This IWMG Trust Account is account number 001-04510-5 at the Long Beach Branch of Farmers and Merchants Bank. Monies were thereafter taken out of the IWMG Trust Account and deposited in the IWMG Account, from whence the 78 political contributions detailed in Appendix A were made. The flow of these monies is summarized in a chart attached as Appendix B. In addition to the aforementioned 78 political contributions, two additional political contributions were made from an Omni-Rx account entitled "Doctor's Group Bank Account on Systems". This latter account is account number 001-04203-3 at the Long Beach Branch of Farmers and Merchants Bank. This account was generally used as an intercompany account. The first known political contributions made from this account were made on May 14, 1974 in the amount of \$1,500 and on May 30, 1974 in the amount of \$100. We do not know who signed these two checks.

The Federal Election Commission March 3, 1977 Page Four

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Six additional contributions were listed on the "Major Donor List" obtained from records on file with the California Secretary of State. Neither IWMG's nor Omni-Rx's disbursement records show these contributions. These six contributions are identified in Appendix C, attached hereto.

While the above information documents the so-called "hard" facts, a number of additional facts are necessary for a proper determination as to the legality of these contributions.

First, the IWMG Account is not a regular business account. Rather, this account appears to have been utilized as some sort of a slush fund. Thus, while IWMG's primary expense was doctors' salaries, the IWMG Account was not used for the payment of such salaries. IWMG utilized a wholly separate account for the payment of doctors' salaries.

Additional information further indicates the purpose of the IWMG Account. The account was opened on September 10, 1974. The last check written on the account prior to the appointment of an independent special master was written on December 3, 1976. During the interim period, 200 checks were written on the IWMG Account, of which 26 were voided. Of the remaining 174 checks, the 78 listed in Appendix A were used for political contributions. The remaining 96 checks (55%) were written for non-political purposes. Those non-political checks included regular payments for consulting fees paid to Harry Standers and insurance premiums on behalf of Harry Standers, as well as miscellaneous payments such as checks written to oil companies, the Internal Revenue Service, and the California Department of Human Resource Development.

An additional analysis of the IWMG Account further indicates its political purposes. The 174 checks referred to above involved a total disbursement of \$165,859.48. Of that total amount, \$100,440.00 (60¢) was used for political purposes. The remaining \$65,419.48 (40%) was utilized for the non-political purposes referred to above.

Second, an analysis of selected transactions involving the IWMG Account and IWMG Trust Accounts for 1976 indicate that deposits made into the IWMG Account from the IWMG Trust Account correspond to political contributions made from the IWMG Account. Appendix D

The Federal Election Commission March 3, 1977
Page Five

attached hereto, demonstrates this relationship.

Third, IWMG was in debt to Omni-Rx for almost \$2 million and had entered into an agreement whereby it pledged all receipts to Omni-Rx. Consequently, the flow of money from the Omni-Rx/Controlled IWMG Trusts Account into the IWMG/Controlled IWMG Account is suspect. While these monies might be termed a loan from Omni-Rx to IWMG, there is neither a loan agreement nor any evidence of an intent to repay such monies.

Fourth, no Omni-Rx Board meeting ever discussed making advances to IWMG for political contributions. In addition, no IWMG partnership meeting ever discussed making such political contri-In fact, although IWMG political contribution checks written after March, 1976 assert to be drawn on behalf of some ll different individuals (Merv Newell, Edward Dickstein, Alvin Markovitz, Myron Koch, Robert Higginbotham, Crawford Scott, Aritha Mitchell, Barnett Grier, Kenneth H. Geiger, Lawrence Hall, Harry Standers) seven of those individuals (Markovitz, Koch, Scott, Geiger, Grier, Mitchell, Hall) deny having authorized such political contributions (some of those seven individuals assert that they did not even know that such political contributions were being made). An eighth individual (Standers) was not a partner in It is believed that a ninth individual (Higginbotham) lied when he stated that he had authorized such contributions. The two remaining individuals (Newell and Dickstein) signed the actual contribution checks.

Fifth, while IWMG made political contributions on behalf of Hall, Standers and Newell, none of those three individuals are partners in IWMG. In addition, there is no record of any monies being owed to any of those three individuals by IWMG.

Finally, the fact that Merv Newell signed 76 of the 78 political contribution checks drawn on the IWMG Account (Edward Dickstein signed checks number 1159 and 1160) appears to be especially significant in light of the facts given above. It appears that Newell was either the sole or primary individual directing the monies from Systems (the IWMG Trust Account) to IWMG (the IWMG Account) to political contributions. See Appendix B.

The Federal Election Commission March 3, 1977
Page Six

### CONCLUSION

We are referring the information contained above to your agency for whatever action you may deem to be appropriate. Should further information be desired, we would be glad to assist you in any way possible.

WILLIE R. BARNY

Commissioner of Corporations

### APPENDIX A

Check No.	Date	Amount	Recipient
1012	9/12/74	\$ 2,000.00	United Democratic Campaign Comm.
1015	9/18/74	5,000.00	Citizens for Brown
1017	10/7/74	500.00	Siegler for Assembly
1018	11	500.00	Wilson for Assembly
1019	**	500.00	Mayeh for Assembly
1020	11	500.00	Wormiums for Assembly
1021	10/11/74	1,250.00	Dymally Dinner Comm.
1030	10/29/74	2,100.00	Brown for '74
1041	12/2/74	1,000.00	Triphon for Senator
1042	12/2/74	600.00	Bradley Dinner Comm.
1048	12/16/74	1,500.00	Dymally Dinner Comm.
1049	11	1,000.00	Tunney for Senate Comm.
1057	1/6/75	1,000.00	Friends for Manatt
1059	1/30/75	1,250.00	Greene for Senate Comm.
1061	2/18/75	1,000.00	United Democratic Finance Comm.
1074	5/1/75	400.00	Hughes for Assembly
1077	5/15/75	500.00	Klein for Council
1079	5/22/75	1,000.00	Citizens for Tunney
1080	11	500.00	Phillip Burton for Congress
1082	7/1/75	200.00	Unruh Dinner Comm.
1084	11	200.00	Moscone for Mayor
1086	7/1/75	40.00	Birthday Festival - Councilman Cunningham
1088	7/24/75	750.00	Bill Greene Dinner Comm.
1089	8/4/75	750.00	Burt Pines Dinner Comm.
1093	9/16/75	1,250.00	Californians for an Effective Legislature
1097	11/3/75	1,500.00	Dymally Dinner Comm.
1098	"	100.00	Moscone for Mayor
1099	11/3/75	1,250.00	Democratic Victory 1976
1103	11/12/75	600.00	Berman Dinner Comm.
1105	12/1/75	750.00	Hughes'Testimonial Dinner
1110	1/9/76	2,000.00	Committee to Reelect Senator Humphrey

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Check No.	Date	Amount	Recipient
1121	2/25/76	\$ 1,000.00	McCarthy Dinner Comm.
1122	11	1,000.00	Tunney for Senate
1125	3/15/76	1,000.00	United Democratic Finance Comm.
1127	11	1,000.00	Hughes' Testimonial Dinner
1131	3/25/76	1,000.00	Curtis Tucker Campaign
1132	3/30/76	300.00	Mayor Doris A. Davis Dinner Dance Comm.
1133	4/7/76	1,250.00	Greene Dinner Comm.
1134	4/13/76	600.00	Comm. for Dellums' Congressional Fund
1136	4/22/76	1,500.00	Friends of Assemblyman Dixon
1137	4/23/76	500.00	Citizens for Waters
1138	4/26/76	1,000.00	Carter for President Comm.
1139	*11	1,000.00	11 11 11
1140	11	1,000.00	11 11 11
1141	11	1,000.00	
1142	11	1,000.00	и и и и
1143	5/3/76	500.00	Johnney Collins Comm.
1147	5/11/76	2,500.00	Democratic Congressional Dinner Comm.
1148	5/12/76	500.00	Horner Election Comm.
1153	5/20/76	1,000.00	Carter for President Comm.
1154	5/20/76	1,000.00	Carter for President
1155	5/28/76	2,000.00	Citizens for Senator John Tunney
1156	6/2/76	500.00	Johnny Collins Comm.
1157	6/2/76	500.00	Cindy Wear Election Comm.
1158	6/4/76	750.00	Assemblyman John Knox
1159	6/15/76	100.00	Democratic Conv. Housing
1160	6/15/76	100.00	н н н
1163	7/1/76	1,250.00	California Democratic Party
1164	7/7/76	2,500.00	Carter for President Comm.
1165	7/16/76	12,000.00	California Workers Physicians Assoc.
1167	7/29/76	50.00	The Andrew Young Campaign
1173	8/16/76	250.00	Robert S. Miller
1175	8/19/76	1,000.00	Paul Sarbones
1178	8/26/76	2,000.00	Curtis Tucker Comm.
1180	9/10/76	1,000.00	Congressional Black Caucus Dinner
1181	9/15/76	10,000.00	
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Check No.	Date	Amount	Recipient
1184	9/30/76	\$ 500.00	Friends of Paul Priolo
1185	10/7/76	500.00	Democratic Congressional Dinner
1187	11	2,000.00	Comm. to Reelect Yvonne B. Burke
1188	11	<b>3,</b> 750.00	Bill Greene for Senate
1189	11	2,000.00	Theresa P. Hughes Dinner
1190	**	500.00	Cindy Wear for Assembly
1191	10/15/76	1,500.00	United Democratic Campaign Comm.
1193	10/20/76	700.00	Theresa P. Hughes Birthday Comm.
1194	10/22/76	2,000.00	Curtis Tucker Campaign Comm.
1195	10/27/76	500.00	Thompson for Judge Comm.
1199	11/24/76	1,250.00	Citizens for Waters
1200	12/3/76	100.00	California Democratic Party

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### APPENDIX B

IWMG Trust Account (a Systems account)

Newell appears to be the principal individual involved in the transfer of the money from the IWMG Trust Account to the IWMG Account

IWMG Account (an IWMG account)

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Newell signed 76 of the 78 checks drawn on the IWMG Account for political contributions

Political Contributions

## APPENDIX C

1.

Dates	Donor	Amount	Recipient
1/1/76 -			
4/26/76	IWMG	\$ 50.00	Pasadena Urban Coalition
5/20/76	11	250.00	Bill Greene
9/19/76	tt	1,250.00	Leo McCarthy
9/10/75	11	1,500.00	Moretti Dinner
9/10/75	tt	500.00	Otto Lacayo
9/10/75	11	200.00	Westside Democratic Committee

## IWMG Disbursement

Date	Ck#	Amt.	Payee
1-9-76	1110	\$2000.00	Comm. to Re-elect Sen. Humphrey
2-25-76	1121	1000.00	McCarthy Dinner Comm.
2-25-76	1122	1000.00	Tunney for Senate
3-15-76	1 <b>12</b> 7	1000.00	Hughes Testimonial Dinner
3-25-76	1131	1000.00	Curtis Tucker Campaign Comm.
4-13-76	1134	600.00	Committee for Dellums Congressional Fund
4-22-76	11 <b>3</b> 6	1500.00	Friends of Assemblyman Dixon
4-26-76	1138	1000.00	Carter for President Comm. (Merv Newell)
4-26-76	1139	1000.00	Carter for President Comm. (Dickstein)
4-26-76	1140	1000.00	Carter for President Comm. (Markovitz)
4=26-76	1141	1000.00	Carter for President Comm. (Koch)
4 <b>=26-76</b>	1142	1000.00	Carter for President Comm. (Higginbotham)
5 <b>-3-</b> 76	1143	500.00	Johnny Collins Committee
5-11-76	1147	2500.00	Democratic Congressional Dinner Comm.
5 <b>-20-76</b>	1153	1000.00	Carter for President Comm. (Scott)
5-20-76	1154	1000.00	Carter for President Comm. (Mitchell)
5-28-76	1155	2000.00	Citizens for Sen. John Tunney, (Koch, Markovitz, Higginbotham, Mitchell, Scott)
6-2-76	1156	500.00	Johnny Collins Committee
6-2-76	1157	500.00	Cindy Wear Election Comm.
7-1-76	1163	1250.00	California Democratic Party
7-7-76	1164	2500.00	Carter for President Comm. (Geiger, Hall, Standers)
7-16-76	1165	12000.00	Calif. Workers Physicians Assn.
8-26-76	1178	2000.00	Curtis Tucker Campaign Comm.

## Appendix D

<u>o</u>	RHS-I	WMG Trust Accour	<u>nt</u>	IWMG Depo	sit
Date	Ck#	Amt.	Paid to	Date	Amt.
1-9-76	261	\$2000.00	IWMG	1-9-76	\$2000.00
<b>2-2</b> 5-76	<b>2</b> 69	2000.00	IWMG	2-25-76	2000.00
3-15-76	271	1000.00	IWMG	3-15-76	1000.00
<b>3-2</b> 5 <b>-</b> 76	274	1000.00	IWMG	3-25-76	1000.00
4-20-76	279	600.00	IWMG	4-19-76	600.00
° 4-22-76	280	1500.00	IWMG	4-22-76	1500.00
4-26-76 C	281	6000.00	IWMG	4-26-76	6000.00
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C					
<b>5-3-7</b> 6	282	1000.00	IWMG	5 <b>-3-</b> 76	1000.00
€ 5-11-76	285	2500.00	IWMG	5-11-76	<b>2</b> 500.00
5-20-76	289	2000.00	IWMG	5 <b>-20-</b> 76	2000.00
5-28-76	290	2000.00	IWMG	5-28-76	2000.00
6-2-76	291	1000.00	IWMG	6-3-76	1000.00
7-1-76	297	1250.00	IWMG	7-1-76	1250.00
7-7-76	298	2500.00	IWMG	7 <b>-</b> 7 <b>-</b> 76	2500.00
7-16-76	299	12000.00	IWMG	7-16-76	12000.00
8-26-76	314	2000.00	IWMG	8-26-76	2000.00

# DEPARTMENT OF CORPORATIONS

600 S. Commonwealth Avenue

Los Angeles, CA 90005

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The Federal Election Commission 1325 "K" Street, N.W. Washington, D.C. 20463



1325 K STREEL N.W. WASHINGTON,D.C. 20463

THIS IS THE BEGINNING OF MUR # 373

Date Filmed 2/28/79 Camera No. --- 2

Cameraman DPC