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

September 2, 2021

Richard Rios
Olson Remcho LLP
o/b/o Yes on A & B, Mayor Garcia Committee to Protect Police & Fire and Repair Infrastructure in Long Beach
Robert Garcia
Sharon Weissman

Via email only: rrios@olsonremcho.com

Warning Letter Re: FPPC No. 20/377; Yes on A & B, Mayor Garcia Committee to Protect Police & Fire and Repair Infrastructure in Long Beach; Robert Garcia; and Sharon Weissman

Dear Mr. Rios:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").[1] As you are aware, the Enforcement Division received a sworn complaint alleging that the committee Yes on A & B, Mayor Garcia Committee to Protect Police & Fire and Repair Infrastructure in Long Beach (the "Committee") violated the advertising disclosure requirements of the Act. In particular, the complaint alleged that certain electronic media advertisements appearing on the website of the publication the Grunion, in advance of the March 3, 2020 Primary Election, did not have the correct disclosures.

Per the Act, an electronic media advertisement, other than a website, must include the text "Who funded this ad?" in a contrasting color and font size that is easily readable by the average viewer, and the text shall hyperlink to a website containing the disclosures required under Section 84502 of the Act.[2]

Here, the subject electronic media advertisements failed to include the "Who funded this ad?" hyperlink; however, the advertisements did include the disclosures required under Section 84502 directly on the advertisements themselves, and the ads linked to the Committee's website,

[1] The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

[2] Section 84504.3(a).

which included the required disclosures. As a result, given that these violations are de minimis in scope and the public harm is low, we are not pursuing these violations any further.

However, the Enforcement Division discovered that the Committee failed to timely file one campaign statement. The Act requires committees primarily formed to support or oppose a measure appearing on the ballot to file preelection campaign statements by the appropriate due dates.[3]

The Committee violated the Act because it failed to timely file the preelection campaign statement for the reporting period of January 1, 2020 to January 18, 2020. Although due on January 23, 2020, the statement was not filed until February 3, 2020 (11 days late). However, because the Committee filed the campaign statement prior to contact by the filing officer and the Enforcement Division, the Committee filed the campaign statement one month prior to the relevant election, the Committee has no prior enforcement history, and the violation appeared to be inadvertent, and based on the Committee's filing history, the Enforcement Division has decided to close this case with this warning letter rather than a fine. Please note that, while the Enforcement Division is closing this matter without a fine, the filing officer may assess late filing penalties.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to $5,000 for each violation.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide respondents with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If your clients wish to avail themselves of these proceedings by requesting that this case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notificiation, this warning letter will be posted on the Commission's website ten (10) days from the date of this letter.

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at (866) 275-3772 or visit our website at www.fppc.ca.gov.

[3] Section 84200.5.

Please feel free to contact me at (916) 322-5021 or cburton@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton
Assistant Chief
Enforcement Division