



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

May 4, 2022

Guevara for Sheriff 2022

Juan Guevara

Via email: [REDACTED]

Warning Letter Re: FPPC No. 2022-00337; Guevara for Sheriff 2022, Juan Guevara

Dear Committee and Mr. Guevara:

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 an AdWatch complaint against you alleging that you violated the advertisement disclaimer provisions of the Act by failing to include a disclaimer on your website and failing to include a disclaimer on a campaign sign, which was posted prior to the June 7, 2022 Primary Election. Those allegations have been disproven, but the Enforcement Division found that you failed to include the required disclaimer on your personal Facebook page.

Under the Act, social media pages made by candidate-controlled committees must include the disclaimer "Ad paid for by" followed by the name of the committee in a contrasting color that is easily readable by the average viewer and in no less than 10-point font on the cover or header photo of the committee's profile, landing page, or similar location.² Under FPPC Regulations, a communication with nominal costs disseminated by the committee is authorized and paid for by the committee and can require disclosure.³

Your actions violated the Act because you published a personal Facebook page which contained a campaign-authorized and paid for cover photo that did not include the words "Ad paid for by." However, because you made corrections to the page after being contacted by the Enforcement Division and before the election, and you do not have a prior violation of this section, the Enforcement Division is closing this case with this warning letter.

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.

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 Sections 84504.4, subd. (b) and 84504.3, subd. (h).

³ Regulation 18450.2 subd. (a)(4).

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

Please feel free to contact Laura Mandler at lmandler@fppc.ca.gov or 916-322-7779 with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

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