



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

February 14, 2024

Via Email

paul@thehermanco.com

Paul Herman for Burbank City Council 2020
c/o Mr. Paul Herman
2000 W Magnolia Blvd, Suite 100
Burbank, CA 91506

Warning Letter Re: FPPC No. 2020-00832, Paul Herman for Burbank City Council 2020 and Paul Herman

Dear Committee and Paul Herman:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ This letter is sent in response to a sworn complaint filed against you which alleged that Paul Herman for Burbank City Council 2020 ("the Committee") violated the advertisement disclosure requirements of the Act.

The Enforcement Division has completed its review of the facts in this case. Specifically, the Enforcement Division found that the Committee failed to include the complete committee name in the disclosure on a Facebook sponsored advertisement as stated in the statement of organization (Form 410). Specifically, the Committee was missing the year 2020 in the advertisement disclosure.

The Act defines an online platform as a public-facing internet website, web application, or digital application, including a social network, ad network, or search engine, that sells advertisements directly to advertisers.² The Act requires that a committee that disseminates an online platform disclosed advertisement, such as a Facebook sponsored advertisement, to notify the online platform that the advertisement is an advertisement defined in Section 84501 and provide the online platform with the disclosure name of the committee as it appears on the most recent statement of organization filed pursuant to Section 84101.³

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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84504.6(a)(1).

³ Sections 84504.6(b)(1) and (2)(A)(B).

You violated the Act because you failed to provide the committee name as it appears in the statement of organization (Form 410) to the online platform for a sponsored Facebook advertisement disclosure statement. However, mitigating factors exist such that the Enforcement Division has decided to close this case with this warning letter rather than issue a fine: the disclosure included your name and most of the Committee's name, the disclosure linked to your campaign's Facebook page, the disclosures were eventually corrected, Herman was an inexperienced candidate, and you do not have a history of violating the Act.

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

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

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact me at 916-322-5771 or abreron@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton
Assistant Chief
Enforcement Division