



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

June 13, 2024

Yes on Measure L
Varinder Bains, Treasurer



Sent via email: yesmeasurel@gmail.com

Warning Letter: FPPC No. 2020-00835; Yes on Measure L, Varinder Bains

Dear Respondents,

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a complaint regarding advertisements produced by Yes on Measure L (“the Committee”). The complaint alleged the committee failed to include accurate disclosure on various advertisements made in connection with the November 3, 2020 General Election. The Enforcement Division has completed its review of the facts of this case. Specifically, the Enforcement Division found the Committee failed to include the proper advertisement disclosure on two billboards, brochures, a Facebook cover page and video, mailers, newspapers, and yard signs.

Under the Act, any advertisement that is paid for by a committee, other than a political party committee or candidate-controlled committee established for an elective office of the controlling candidate, shall include the words “Ad paid for by” followed by the name of the committee.²

A print advertisement of this nature that is designed to be individually distributed, including mailers, brochures, and newspaper ads, shall include the required disclosure in a printed or drawn box with a solid white background at the bottom of at least one page and set apart from other printed matter.³

A print advertisement that is larger than those designed to be individually distributed, including, but not limited to, a yard sign or billboard, paid for by a committee other than a political party committee or a candidate-controlled committee established for an elective office of the controlling candidate, shall include the disclosures pursuant to Section 84502, 84503, and 84506.5 in a printed or drawn box with a solid white background on the bottom of the advertisement that is set apart from any other printed matter.⁴ Each line of the written disclosures shall be in a contrasting color in

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.

² Section 84502, subd. (a)(1).

³ Section 84505.2, subd. (a)(1).

⁴ Section 84505.2, subd. (b).

Arial equivalent type no less than five percent of the height of the advertisement and shall not be condensed to be narrower than a normal non-condensed Arial equivalent type.⁵

An advertisement made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, shall only be required to include the disclosures required by Sections 84502, 84503, and 84506.5 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 and shall not be required to include the disclosure required by subdivision (b) on each individual post, comment, or other similar communication.⁶ The disclosures specified in this subdivision shall be fully visible on the cover or header photo when the profile, landing page, or similar location is viewed from any electronic device that is commonly used to view this form of electronic media, including, but not limited to, a computer screen, laptop, tablet, or smart phone.⁷

Finally, an advertisement paid for by a committee, other than a political party committee or a candidate-controlled committee established for an elective office of the controlling candidate, that is disseminated as a video, including advertisements on television and videos disseminated over the Internet, shall include the disclosures required by Sections 84502 and 84503 at the beginning or end of the advertisement and shall be written and displayed for at least five seconds of a broadcast of 30 seconds or less or for at least 10 seconds of a broadcast that lasts longer than 30 seconds.⁸

Here, the Committee violated the Act by failing to include the words "Ad paid for by" on all advertisements. The mailers, brochures, and newspaper ads failed to include a solid white background on the bottom of the advertisement that is set apart from any other printed matter. Additionally, the yard signs and billboards produced by the Committee failed to include a disclosure no less than five percent of the height of the advertisement. Also, the disclosure on the Facebook cover page on the Committee's Facebook page was not at least 10-point font. Finally, the video posted to Facebook did not include a disclosure on the final five seconds of the video, as required if the video is 30 seconds or less. However, the Enforcement Division has determined that mitigating circumstances exist here. Therefore, the Enforcement Division is resolving this case with a warning letter for the following reasons: The Committee included a disclosure that read "Paid for by" instead of "Ad paid for by" on all referenced advertisements, rendering all of the ads clear as to who disseminated them. Additionally, the requirement regarding disclosure being no less than five percent of the height of the yard signs and billboards was a new requirement, effective in 2020. The Facebook cover page size requirement and the requirement regarding the disclaimer in the last five seconds of the video were also new rules effective in 2020. Finally, the Committee was

⁵ *Ibid.*

⁶ Section 84504.3, subd. (h)(1).

⁷ *Ibid.*

⁸ Section 84505.1, subd. (a) and (b).

unsuccessful, the Committee is terminated, and the Committee has no prior history 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. Although the Enforcement Division is closing this case without seeking a penalty, the Committee is still required to pay any late filing fees assessed by the filing officer. Please contact the Committee's filing officer for further information about required filings. Any future non-filings may result in monetary penalties and this warning letter may be considered in any future enforcement actions.

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 yourselves 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 notification, this warning letter will be posted on the Commission's website ten (10) days from the date of this letter.

If you have any questions regarding this letter, please contact me at (279) 237-5932 or MCorona@fppc.ca.gov

Sincerely,

Marissa Corona

Marissa Corona
Commission Counsel
Enforcement Division

Complainant: Brandon Shoemaker, sent via email: brandonshoe@hotmail.com