



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

March 28, 2022

Franklin Sims for Long Beach Mayor 2022

Franklin Sims

Via email: [REDACTED]

Warning Letter Re: FPPC No. 22/251; Franklin Sims for Long Beach Mayor 2022 and Franklin Sims

Dear Committee and Franklin Sims:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a sworn complaint filed against you, which alleged that you violated the advertisement disclaimer and the campaign disclosure provisions of the Act.

The Enforcement Division has completed its review of the facts in this case. It does not appear that the campaign disclosure provisions have been violated. However, we found that you failed to include the required disclaimer language on your Instagram page.

The Act provides that 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

Your actions violated the Act because you published an Instagram page that did not include the words “Ad Paid for By.” However, for the following reasons, the Enforcement Division is closing this case with this warning letter rather than a fine: It was clear that the committee, which is candidate controlled, produced the subject Instagram page; you made corrections to the disclaimer on your Instagram page immediately after you were contacted by the Enforcement Division and well before the election; and you do not have a prior enforcement history for advertisement disclosure violations.

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).

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 Laura Mandler at lmandler@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

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