



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

August 2, 2017

The Honorable Fiona S. Ma
State Board of Equalization
450 N Street
Sacramento, CA 95814

Via Email: [REDACTED]

Warning Letter: FPPC No. 17/288; Fiona Ma

Dear Ms. Ma:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ On March 24, 2017, we notified you that we received a referral from the Commission's Statement of Economic Interests Unit alleging that you violated the Act's gift limits found at Government Code section 89503. The Enforcement Division has completed its review and found that, although you did not violate the Act's gift limits, you failed to timely report accurate information on your 2016 Statement of Economic Interests ("SEI").

The Act requires that members of the Board of Equalization annually file an SEI disclosing their investments, interests in real property, and income during the pertinent reporting period.² When reporting income, the statement shall contain the name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source.³

On your initial 2016 SEI, which was timely filed, you reported a gift in the form of a travel payment in the amount of \$2,366.70 received from the Canadian-American Business Council ("CABC"). In response to an inquiry from the Enforcement Division, you provided evidence that the actual source of the gift was the Washington Office on Latin America, and not the CABC. As a result, on or about May 5, 2017, you filed an amendment to your 2016 SEI

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 87200 and 87203.

³ Section 87207, subd. (a).

changing the source of the gift accordingly. Given that your 2016 SEI was due to be filed by March 1, 2017,⁴ the amendment providing the updated source information was untimely filed.

Your actions violated the Act because you failed to timely disclose accurate information regarding a gift (in the form of travel payments) on your 2016 SEI, in violation of Sections 87203 and 87207. However, because you have no prior Enforcement history and promptly cooperated with the Enforcement Division to amend the pertinent information on your SEI, and the harm was minimal since an attempt was made to properly disclose the gift on a timely-filed SEI, we have decided to close this case with this warning letter. 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. This resolution does not provide you with the opportunity for a probable cause hearing or administrative hearing. 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 days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of your case. If we do not receive such notification, this warning letter will be posted on the Commission's website.

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

Sincerely,

A black rectangular redaction box covering the signature of Christopher B. Burton.

Christopher B. Burton
Commission Counsel
Enforcement Division

⁴ Regulation 18723, subd. (b).