



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

January 27, 2022

Amber Maltbie  
Nossaman LLP  
o/b/o The Honorable Malia M. Cohen  
Board of Equalization  
Via email: [amaltbie@nossaman.com](mailto:amaltbie@nossaman.com)

**Warning Letter Re: FPPC No. 2021-01055; Malia M. Cohen**

Dear Ms. Maltbie:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> As you are aware, the Enforcement Division received a referral from the Commission’s Administration Division that alleged your client failed to timely a behested payment report (Form 803) after AT&T made a payment of \$5,000 to California Black Media.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the \$5,000 payment referenced above, made at your client’s behest on November 18, 2020 by AT&T, triggered behested payment reporting obligations under the Act.

The Act provides that payments made principally for a legislative, governmental, or charitable purpose are neither contributions nor gifts to the elected official.<sup>2</sup> However, the payments made at the behest of an elected official must be reported by the official within 30 days following the date on which the payment or payments are made, if they equal or exceed \$5,000 in the aggregate, and are from the same source in the same calendar year.<sup>3</sup>

Your client’s actions violated the Act because they failed to timely file a behested payment report (Form 803) within 30 days of the date of the payment. However, mitigating factors exist such that the Enforcement Division has decided to close this case with this warning letter rather than issue

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<sup>1</sup> 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.

<sup>2</sup> Sections 82004.5 and 82015(c)(4).

<sup>3</sup> Section 84224.

a fine. The payment amount just met the threshold to require behested payment reporting, your client filed the outstanding report before they were contacted by the Enforcement Division, and your client has no prior Enforcement history.

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

Please feel free to contact Amber Rodriguez at [arodriguez@fppc.ca.gov](mailto:arodriguez@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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