



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

June 12, 2023

Matthew R. Cohler
2965 Woodside Road
Redwood City, CA 94062

765 Market Street, Suite 28E
San Francisco, CA 94103

Warning Letter Re: FPPC No. 2022-00290; Matthew R. Cohler

Dear Matthew R. Cohler,

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 Commission-initiated investigation which found that you failed to timely report two contributions despite qualifying as a major donor committee in 2018.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you qualified as a major donor committee on March 21, 2018 and failed to timely report a \$500 contribution made to London Breed for Mayor 2018 and a \$50,000 contribution to Progress for San Francisco. We found that you failed to timely report the contributions on major donor campaign statements (Form 461), due July 31, 2018 and January 31, 2019.

Under the Act, an individual or entity that makes contributions totaling \$10,000 or more in a calendar year qualifies as a major donor committee and incurs filing obligations.² If the \$10,000 threshold is met in the first six months of the calendar year, a major donor must file a Form 461 covering the period of January 1 through June 30 by July 31 of the calendar year.³ And if additional contributions are made after June 30, a major donor must file a Form 461 covering the period of July 1 through December 31 by January 31 of the following calendar year.⁴

Your actions violated the Act because you failed to timely report two contributions on a Form 461 by their applicable deadlines. However, mitigating evidence exists such that the Enforcement Division has decided to close this matter with this warning letter rather than issue a fine: the late-reported contributions were timely disclosed by the recipients on a pre-election and

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 Section 82013, subd. (c).

³ Section 84200, subd. (b).

⁴ *Id.*

semi-annual campaign statement (Form 460) resulting in minimal public harm, you promptly amended and reported the contributions shortly after receiving contact from the Enforcement Division, and you have no prior Enforcement history. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁵ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁶ Additionally, discretion was used for violations that caused minimal public harm when lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

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 your client with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If your client wishes to avail himself of these proceedings by requesting that his 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 jrivera@fppc.ca.gov or 916-738-6411 with any questions you may have regarding this letter.

Sincerely,

Jonathan Rivera

Jonathan Rivera, Commission Counsel
Enforcement Division

⁵ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁶ Regulations 18360.1 and 18360.3.

⁷ Regulation 18360.2.

⁸ See Regulation 18361.5, subdivision (e)(3).