



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

May 3, 2022

John Kennedy For City Council 2022
John Kennedy, Candidate
Tina McKinnor, Treasurer
Via email: [REDACTED]

Warning Letter: FPPC No. 2022-00336, John Kennedy, Tina McKinnor, John Kennedy For City Council 2022

Dear Committee, Mr. Kennedy, and Ms. McKinnor:

The Enforcement Division of the Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to an anonymous complaint filed against you, which alleged that you violated the contribution aggregation and contribution limit provisions of the Act.

The Enforcement Division has completed its review of the facts in this case. We found that you failed to aggregate three contributions received, which when aggregated, exceeded the contribution limit of \$4,900 per election for candidates for elective city office.²

Under the Act, contributions received from two or more persons must be “aggregated” under certain circumstances.³ For example, generally contributions made by entities that are majority owned by a person and contributions of the majority owner and all other entities majority owned by that person must be aggregated when they are disclosed on the applicable campaign statement(s). When contributions are “aggregated,” the contributors are treated as a single person for reporting purposes and for determining compliance with any contribution limits that might be in effect.

Your actions violated the Act because you failed to aggregate contributions received from 3601 Magnolia Properties LLC, 614 E. Col Properties, LLC, and MFAA 320 S. Lake LLC on your Form 460 covering the period of July 1, 2021 through December 31, 2021. Once aggregated, these three contributions exceeded the contribution limit for local candidates of \$4,900 per election. However, for the following reasons, the Enforcement Division is closing this case with this warning letter rather than a fine: after you were contacted by the Enforcement Division, you immediately refunded the contributions to 614 E. Col Properties, LLC and MFAA 320 S. Lake LLC, which remedied the over-the-limit contributions, the contributions were timely disclosed, and you do not have a history of violating the Act.

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 85301(d); Regulation 18545.

³ Sections 82015.5 and 84211; Regulation 18428.

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 have any questions regarding this letter, please contact Amber Rodriguez at (916) 322-1198 or arodriguez@fppc.ca.gov.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

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