



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

January 24, 2023

KushCo Holdings, Inc.
Nicholas Kovacevich, CEO
[REDACTED]

Warning Letter Re: FPPC No. 2020-00475; KushCo Holdings, Inc.

Dear KushCo Holdings and Mr. Kovacevich:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ As you are aware, the Enforcement Division received a referral from the Secretary of State's office regarding your failure to file a Major Donor Campaign Statement (Form 461) for the period covering January 1, 2019 through December 31, 2019, in electronic format. The Enforcement Division has completed its review of the facts in this case. Specifically, we found that you failed to timely file Form 461, in electronic format, by the January 31, 2020 deadline.

The Act provides that 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 committee must file Form 461 covering the period of January 1 through June 30 by July 31 of that calendar year. If the \$10,000 threshold is met in the second six months of the calendar year, a major donor committee must file Form 461 covering the period of January 1 through December 31 by January 31 of the following calendar year.³ The Act requires committees that file campaign statements electronically with the Secretary of State's office to also file in paper format.

You violated the Act by failing to file Form 461 covering January 1, 2019 through December 31, 2019, in electronic format, by the January 31, 2020 deadline. However, we have decided to close this case with a warning letter rather than a fine because the Form 461 was timely filed in paper format, the contribution was timely disclosed by the committee that received the contribution, and you have no Enforcement history.

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(c).

³ Section 84200(b).

Although the Enforcement Division is closing this case without seeking a penalty, you are still required to file the outstanding campaign statement and pay any late filing fees assessed by your filing officer, the Secretary of State.

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 Tara Stock at tstock@fppc.ca.gov or (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

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