



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

April 28, 2023

Todd McKinnon
[REDACTED]

Warning Letter Re: FPPC No. 2022-00317; Todd McKinnon

Dear Todd McKinnon,

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 file a major donor campaign statement (Form 461) for the reporting period of January 1, 2018 to June 30, 2018 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 May 8, 2018 when you made a \$10,000 contribution to a general purpose committee, Progress San Francisco, and that you failed to timely file a corresponding Form 461 disclosing your activity.

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

Your actions violated the Act because you failed to timely file a Form 461 by the July 31, 2018 deadline. However, mitigating evidence exists such that the Enforcement Division has decided to close this matter with this warning letter rather than issue a fine: this was your first time qualifying as a major donor committee, the amount contributed was fairly low, the committee that received your contributions timely disclosed receipt of the contribution on a timely filed pre-election campaign statements (Form 460) resulting in minimal public harm, 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

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).

discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁴ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁵ Additionally, discretion was used for violations that caused minimal public harm when the committee had a small amount of activity.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

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.

Although the Enforcement Division is closing this case without seeking a penalty, you are still required to file all outstanding statements. Please contact your filing officer for further information. Any future non-filings may result in monetary penalties and this warning letter may be considered in any future enforcement actions.

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

⁴ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁵ Regulations 18360.1 and 18360.3.

⁶ Regulation 18360.2.

⁷ See Regulation 18361.5, subdivision (e)(3).