



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

September 12, 2024

Kevin McNamee
Dr. McNamee for City Council 2020
Via email: [REDACTED]

Warning Letter Re: FPPC No. 2020-01016; Dr. McNamee for City Council 2020 and Kevin McNamee

Dear Committee and Kevin McNamee:

The Enforcement Division of the Fair Political Practice Commission enforces the provisions of the Political Reform Act (the "Act").¹ This letter is in response to a sworn complaint, two anonymous complaints and a referral received in conjunction with the Enforcement Division's proactive pre-election outreach program, alleging that the committee, Dr. McNamee for City Council 2020 (the "Committee"), failed to accurately report contributions and expenditures on the Committee's pre-election and semi-annual campaign statements. Additionally, it's alleged that the Committee failed to timely file 24-hour reports and a pre-election campaign statement.

The Enforcement Division has completed its review of the facts in this case. Specifically, we found that the Committee failed to timely file a pre-election campaign statement in connection with the November 3, 2020 General Election and failed to timely file one 24-Hour Contribution Report (Form 497) to disclose a contribution (loan) in excess of \$1,000. Lastly, the Committee failed to accurately report certain payments made, contributions, summary totals on two pre-election statements and failed to accurately report dates on the Committee's semi-annual statement.

The Act required committees to file semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.² The Act also requires committees to file two pre-election campaign statements prior to the applicable election in which the candidate is listed on the ballot.³ The obligation to file semi-annual campaign statements continue until the candidate or treasurer terminated the committee.⁴ Committee's must report expenditures, including the name and address as well as a description of the expenditure.⁵ For contributions totaling \$100 or more candidates and their controlled committees are required to itemize on each semi-annual and pre-election campaign statement the following information about the contributor: his or her full name and street

¹ The Political Reform Act is contained in Government Code section 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practice Commission are contained in Section 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84200.

³ Section 84200.5.

⁴ Section 84214.

⁵ Section 84211, subd. (k).

address; his or her occupation, and the name of his or her employer, or if self-employed, the name of his or her business; the date and amount of each contribution and the cumulative amount of contributions received from the contributor.⁶ Lastly, the Act requires candidate-controlled committees to file 24-Hour Contribution Reports if the committee received a contribution(s) totaling \$1,000 or more from a single source during the 90 days preceding the applicable election or on the date of the election.⁷ A loan is considered a “contribution” under the Act.⁸ Controlling candidates and committee treasurers are jointly and severally liable for violations by the committee.⁹

Your actions violated the Act because the Committee failed to timely file a 24-hour contribution report by the September 11, 2020 deadline and failed to timely file a pre-election campaign statement by the October 22, 2020 deadline. Additionally, the Committee failed to accurately report payments made, summary totals, and payee information for the pre-election campaign statements due September 24, 2020 and October 22, 2020. Lastly, the Committee failed to accurately report the dates on their semi-annual campaign statement due January 31, 2021. However, the Enforcement Division has decided to close this case with a warning letter rather than a fine because you amended the semi-annual and pre-election campaign statements, you had a lack of experience with these specific requirements of the Act, your committee has been terminated, the late statements were filed before the election, more than 75% of funds disclosed on the late statements were contributed by the candidate, and you have no prior history of violating the Act.

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 Regulations 18360.1 and 18360.2 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 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 10 days from the date of this letter.

Please feel free to contact me at 279-237-3766 or cfelkins@fppc.ca.gov with any questions you may have regarding this letter.

Sincerely,

⁶ Section 82411, subd. (f).

⁷ Sections 82036 and 84203.

⁸ Section 82015.

⁹ Sections 83116.5 and 91006.

Michael C. Felkins

Michael C. Felkins,
Commission Counsel
Enforcement Division

cc: sworn complainant and filing officer