

**BEFORE THE UNITED STATES
FEDERAL ELECTION COMMISSION**

Tamara Fagin
Campaign Manager, Anna Eshoo for Congress
290 Alicia Way
Los Altos, CA 94022

MUR # 8152

Complainant,

v.

Kumar for Congress and Gary Tasser, Treasurer
19404 Shubert Drive
Saratoga, CA 95070
voteRishiKumar@gmail.com
rishi1@gmail.com

Respondents.

OFFICE OF
GENERAL COUNSEL
1001 MUR - 9 M. 6: PM

COMPLAINT

This complaint is filed under 11 C.F.R. §§ 100.3(a), 101.1 and 52 U.S.C. §§ 30101(2), 30102(e)(1), and 30102(g) against Kumar for Congress, and Gary Tasser, its Treasurer (collectively, “Respondents”), for violating the Federal Election Campaign Act of 1971, as amended (the “Act”) and Federal Election Commission (“FEC” or “Commission”) regulations. There is compelling evidence that Respondents have violated FEC regulations by failing to file a Statement of Candidacy within fifteen days of meeting the definition of a candidate for Federal office. This violation was also identified by the FEC’s Reports Analysis Division in its formal written notification sent to Respondents. In addition, Respondents have inaccurately and misleadingly reported the total election-cycle-to-date contributions received. We urge the Commission to immediately investigate these violations and levy appropriate sanctions against Respondents for their failure to comply with basic requirements of the Act and Commission regulations.

FACTUAL BACKGROUND

Kumar for Congress is the principal campaign committee formed by Rishi Kumar, who seeks office for the House of Representatives in the 16th Congressional District of California in the 2024

election.¹ Kumar for Congress filed an amended Statement of Organization with the Commission on April 11, 2023.² As of the date of this complaint, Respondents have yet to formally designate Kumar for Congress as Kumar's principal campaign committee by filing a Statement of Candidacy with the Commission.³

This complaint pertains to Respondents' acceptance of contributions which, in aggregate, exceed \$5,000. During the 2023-2024 election cycle, Respondents have accepted a \$15,000 loan from Kumar⁴ and \$11,423 in itemized and unitemized contributions from individuals.⁵ Kumar for Congress has refunded \$4,400 in contributions through June 30, 2023,⁶ still thereby exceeding the threshold to file a Statement of Candidacy. While Respondents have accepted a total of \$11,423 in itemized and unitemized contributions through June 30, 2023, the report covering activity through June 30, 2023, inaccurately and misleadingly discloses the election-cycle-to-date total in Column B, Line 6(c) as \$3,585.⁷ Taking into account the \$4,400 in refunds, the accurate total for Column B, Line 6(c) should be \$7,023.

LEGAL ANALYSIS

I. Contributions Exceed \$5,000

a. Applicable Law

The Act and Commission regulations define a candidate for Federal office, stating that an individual "becomes a candidate for Federal office" when any of the conditions listed in the regulation are met.⁸ One condition that will trigger an individual's duty to either disavow their activity or file a

¹ Kumar for Congress, *Statement of Organization* (April 11, 2023), available at <https://docquery.fec.gov/pdf/931/202304119579791931/202304119579791931.pdf>.

² *Id.*

³ Kumar for Congress, *Committee Filings* (last visited July 27, 2023), available at <https://www.fec.gov/data/committee/C00695866/?tab=filings>.

⁴ April 2023 Quarterly Report, *Itemized Receipts* (Apr. 11, 2023), available at <https://docquery.fec.gov/cgi-bin/forms/C00695866/1697237/sa/ALL>.

⁵ April 2023 Quarterly Report, *Report of Receipts and Disbursements* (Apr. 11, 2023), available at <https://docquery.fec.gov/cgi-bin/forms/C00695866/1697237/>; July 2023 Quarterly Report, *Report of Receipts and Disbursements* (July 16, 2023), available at <https://docquery.fec.gov/cgi-bin/forms/C00695866/1714856/>.

⁶ April 2023 Quarterly Report, *Itemized Disbursements* (Apr. 11, 2023), available at <https://docquery.fec.gov/cgi-bin/forms/C00695866/1697237/sb/20A>.

⁷ July 2023 Quarterly Report, *Report of Receipts and Disbursements*, *supra* note 5, Column B, Line 6(c).

⁸ 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.

Statement of Candidacy with the FEC is if the individual “receives contributions aggregating in excess of \$5,000.”⁹ A contribution is “any gift, subscription, loan, advance, or deposit of money . . . made by any person for the purpose of influencing any election for Federal office.”¹⁰ Once an individual becomes a candidate for Federal office per the Act and FEC regulations, they must file a Statement of Organization with the Commission.¹¹

b. Contributions Received

On January 23, 2023, Kumar made a loan of \$15,000 to Kumar for Congress, immediately triggering the Statement of Candidacy filing requirement.¹² In addition to this loan, contributions received by the committee from other sources prior to the FEC’s written notification letter advising Respondents to file a Statement of Candidacy totaled \$7,838: a contribution of \$1,000 made on March 16, 2023, a contribution of \$3,300 made on March 20, 2023, a contribution of \$3,300 made on March 21, 2023, and unitemized contributions totaling \$238.¹³ These contributions further triggered Respondents’ duty to file a Statement of Candidacy.

i. Rishi Kumar

On January 23, 2023, Rishi Kumar made a \$15,000 contribution in the form of a loan to Kumar for Congress, his principal campaign committee.¹⁴ This exceeded the threshold for filing a Statement of Candidacy by \$10,000.

ii. Sriranga Veeraraghavan

On March 16, 2023, Sriranga Veeraraghavan made a contribution of \$1,000 to Kumar for Congress.¹⁵ In aggregate, contributions received by Kumar for Congress at this time exceeded the \$5,000 threshold for filing a Statement of Candidacy by \$11,000.

⁹ 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.

¹⁰ 52 U.S.C. § 30101(8)(A)(i).

¹¹ 52 U.S.C. §§ 30102(e)(1), 30102(g); 11 C.F.R. § 101.1.

¹² 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.; *Itemized Receipts*, *supra* note 4.

¹³ April 2023 Quarterly Report, *Report of Receipts and Disbursements*, *supra* note 5.

¹⁴ April 2023 Quarterly Report, *Itemized Receipts*, *supra* note 4.

¹⁵ *Id.*

iii. Gopal Aggarwal

On March 20, 2023, Gopal Aggarwal made a contribution of \$3,300 to Kumar for Congress.¹⁶ In aggregate, contributions received by Kumar for Congress at this time exceeded the \$5,000 threshold for filing a Statement of Candidacy by \$14,300.

iv. Amita Aggarwal

On March 21, 2023, Amita Aggarwal made a contribution of \$3,300 to Kumar for Congress.¹⁷ In aggregate, contributions received by Kumar for Congress at this time exceeded the \$5,000 threshold for filing a Statement of Candidacy by \$17,600.

v. Mihir Meghani

On June 30, 2023, Mihir Meghani made a \$3,300 contribution to Kumar for Congress.¹⁸ In aggregate, contributions received by Kumar for Congress at this time exceeded the \$5,000 threshold for filing a Statement of Candidacy by \$20,900.

c. Analysis

On April 13, 2023, Kumar received a formal written notification from the Commission's Reports Analysis Division notifying him that Kumar for Congress "received contributions and/or made expenditures in support of your 2024 candidacy in excess of \$5,000" and thus met the definition of "candidate" as prescribed by the Commission's regulations.¹⁹ The Commission directed Kumar to either disavow the activities within thirty-five days of receipt of the letter or file a Statement of Candidacy, with a response from Kumar due May 18, 2023.²⁰ Despite receiving this notification letter, Respondents have still failed to file a Statement of Candidacy with the FEC.²¹ Further, Respondents continued to accept

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ July 2023 Quarterly Report, *Itemized Receipts* (July 16, 2023), available at <https://docquery.fec.gov/cgi-bin/forms/C00695866/1714856/sa/ALL>.

¹⁹ Formal Written Notification Letter to Rishi Kumar, Page 1 (Apr. 13, 2023).

²⁰ *Id.*

²¹ Committee Filings *supra* note 3.

contributions after being notified that they must file a Statement of Candidacy, in clear violation of the Act and the Commission.²²

II. Campaign Reports are Inaccurate and Misleading

a. Applicable Law

The Act and Commission regulations prescribe the contents of reports submitted to the FEC.²³ Specifically, Regulation 104.3(c) requires each report to disclose total contributions received, total offsets to contributions, and net contributions “for both the reporting period and the calendar year (or the election cycle, in the case of the authorized committee).”²⁴

b. Analysis

Despite reporting \$3,438 in net contributions for the election cycle-to-date in the April 2023 Quarterly Report, Respondents failed to carry over this amount to the July 2023 Quarterly Report.²⁵ Instead, Respondents only reported \$3,585 in net contributions for the election cycle-to-date, all of which came from contributions received in the 4/1/2023-6/30/2023 reporting period.²⁶ This is in violation of Regulation 104.3(c). Per Regulation 104.3(c), the net contributions reported in Column B, Line 6(c) of the July report should be \$7,023.²⁷ This discrepancy is misleading because the summary page of the most recent report filed by Respondents gives the appearance that Respondents have not received sufficient contributions to trigger filing the Statement of Candidacy, when in reality Respondents have surpassed the \$5,000 contribution threshold for filing a Statement of Candidacy with the Commission.

CONCLUSION

As shown, Respondents have repeatedly violated the Act and Commission regulations by accepting funds from individuals in excess of the legal contribution limit and inaccurately and misleadingly reporting the total election-cycle-to-date contributions received. Accordingly, we

²² July 2023 Quarterly Report, *Itemized Receipts*, *supra* note 16.

²³ 52 U.S.C. §§ 30104(b), 30114; 11 C.F.R. § 104.3.

²⁴ 11 C.F.R. § 104.3(c)(1).

²⁵ See sources cited *supra* note 5.

²⁶ July 2023 Quarterly Report, *Report of Receipts and Disbursements*, *supra* note 5, Column B, Line 6(c).

²⁷ 11 C.F.R. § 104.3(c)(1); see sources cited *supra* note 5.

respectfully request that the Commission immediately investigate these violations, fine Respondents the maximum amount permitted by law, and enjoin Respondents from further violations of the law.

Sincerely,



Tamara Fagin
Campaign Manager, Anna Eshoo for Congress
290 Alicia Way
Los Altos, CA 94022

SUBSCRIBED AND SWORN to before me this ____ day of August 2023.

Notary Public

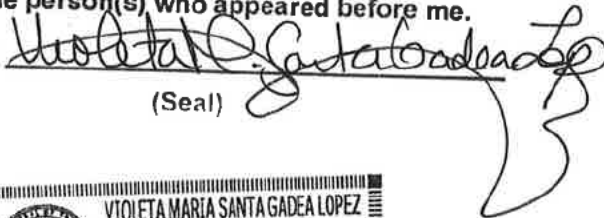
My Commission Expires: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of
Santa Clara

Subscribed and sworn to (or affirmed) ^{vs}
before me on this 3 day of July, 2023, by
Tamara May Fagin
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

Signature



(Seal)

