



770 L Street, Suite 950  
Sacramento, CA 95814

---

**E** lacey@keyslawcorp.com

**P** (916) 890-3670

**F** (916) 890-3630

**W** keyslawcorp.com

---

January 28, 2022

**VIA EMAIL**

[cela@fec.gov](mailto:cela@fec.gov)

Roy Q. Lockett, Esq.  
Acting Assistant General Counsel  
Complaints Examination & Legal Administration  
Federal Election Commission  
1050 First Street, NE  
Washington, DC 20463

**RE: MUR 7954**

Dear Mr. Lockett,

I write to you as counsel to California State Assemblymember Kevin Mullin; his principal campaign committee, Kevin Mullin for Congress; his state campaign committee, Kevin Mullin for Assembly 2022; and Stacy Owens, in her capacity as treasurer to both committees (collectively, "Respondents"). Please find enclosed the signed Designation of Counsel form for each Respondent.

This letter is sent in response to the complaint filed by Michael Harris on January 7, 2022 and received by Respondents on January 13, 2022 ("the Complaint"). The Complaint alleges that Assemblymember Mullin used funds outside the source and amount restrictions of the Federal Election Campaign Act (the "Act") to fund two mailers that were sent to his existing State Assembly constituents. The Complaint also alleges that the mailers qualify as a transfer of funds from his state campaign committee to his newly formed federal campaign committee.

The Complaint lacks any basis in law or fact. Furthermore, the Complaint was clearly filed in an attempt to damage Assemblymember Mullin's reputation and to assist his opponent, David Canepa, with fundraising activities as evidenced by the immediate fundraising solicitation sent by Mr. Canepa.<sup>1</sup> Accordingly, the Commission should find no reason to believe Respondent's violated the Act and promptly dismiss this politically motivated complaint.

---

<sup>1</sup> Exhibit A.

## FACTS

Kevin Mullin is currently serving as the elected representative for California State Assembly District 22. He was first elected to this position in 2012 and was reelected to serve the constituents of the 22nd District in 2014, 2016, 2018 and 2020. Assemblymember Mullin's current term ends once the newly elected representative for District 22 is sworn in post-election. Thus, he is still serving the district and will do so through early December 2022.

At the beginning of the current election cycle, Kevin Mullin for Assembly 2022 (the "State Committee") was opened and funds from his 2020 election were transferred into that committee as permitted under California state law.<sup>23</sup> Assemblymember Mullin also filed the required Candidate Intention Statement (FPPC Form 501) to raise funds for re-election to this office in 2022.<sup>4</sup> When these documents were filed and thereafter Assemblymember Mullin intended to run for re-election to the State Assembly in 2022.

On November 16, 2021 US Representative Speier announced her intent to retire at the end of her current term in office.<sup>5</sup> On November 19, 2021 Assemblymember Mullin filed his Statement of Candidacy and Statement of Organization with the Federal Election Commission (the "Commission") to initiate his Congressional campaign for then-District 14.<sup>6</sup> Public announcements regarding the Assemblymember's candidacy for federal office were made on November 23, 2021.<sup>7</sup> Required amendments were filed on January 6, 2022 to update the office sought to District 15 as required by final adoption of California district maps.<sup>8</sup>

The mailers referenced in the Complaint were sent to constituents of Assemblymember Mullin's current Assembly district on December 17, 2021 and December 27, 2021.

---

<sup>2</sup> Kevin Mullin, FPPC Form 410, Statement of Organization, Exhibit B; FPPC Form 460, Recipient Committee Campaign Statement covering the period 01/01/2020 to 12/31/2020, *available at* <https://cal-access.sos.ca.gov/PDFGen/pdfgen.prg?filingid=2554810&amendid=0> (see Schedule I, Miscellaneous Increase to Cash).

<sup>3</sup> 9 CAL. GOV. CODE § 85317 (LexisNexis 2020). Note, statutory amendments taking effect January 2, 2022, do not change the permissibility of such transfer.

<sup>4</sup> Kevin Mullin, FPPC Form 501, Statement of Candidacy, Exhibit C.

<sup>5</sup> See Quint Forgey and Nicholas Wu, *Rep. Jackie Speier Retiring from Congress*, POLITICO (Nov. 16, 2021), *available at* <https://www.politico.com/news/2021/11/16/jackie-speier-retiring-congress-522690>.

<sup>6</sup> Kevin Mullin, FEC Form 2, Statement of Candidacy (Nov. 19, 2021), *available at* <https://docquery.fec.gov/cgi-bin/forms/H2CA14162/1549278/>; Kevin Mullin for Congress, FEC Form 1, Statement of Organization (Nov. 19, 2021), *available at* <https://docquery.fec.gov/cgi-bin/forms/C00795005/1549268/>.

<sup>7</sup> See Emily Deury, *Bay Area Congress Race: Assemblymember Kevin Mullin Joins Growing Field Vying for Rep. Jackie Speier's Seat*, THE MERCURY NEWS (Nov. 23, 2021, updated Nov. 29, 2021), *available at* <https://www.mercurynews.com/2021/11/23/bay-area-congress-race-assemblymember-kevin-mullin-joins-growing-field-vying-for-rep-jackie-speiers-seat/>

<sup>8</sup> See Kevin Mullin, FEC Form 2, Statement of Candidacy Amendment (Jan. 6, 2022), *available at* <https://docquery.fec.gov/cgi-bin/forms/H2CA14162/1554675/>.

## LEGAL ANALYSIS

The Complaint fails to demonstrate a violation of the legal provisions cited. The mailers were a clear permissible use of the State Committee's funds and not required to be paid for with funds raised within the amount and source restrictions of Federal law (i.e., federally permissible funds) because they were in no way "in connection" with an election. The mailers do not solicit funds, contain express advocacy, or otherwise promote or support Assemblymember Mullin as those terms are defined and interpreted by regulations and advisory opinions adopted by the Federal Election Commission (the "Commission").

Even if the Commission believes the mailers were in connection with an election, they are properly considered in connection with the Assemblymember's re-election to Assembly District 22 and not required to be paid for with federally permissible funds. The mailers fit squarely within the exception for payments made by a candidate "who is or was also a candidate for a State or local office solely in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law and refers only to such State or local candidate, or to any other candidate for the State or local office sought by such candidate, or both."<sup>9</sup> As detailed below, Assemblymember Mullin is still considered a candidate for re-election to Assembly District 22 under California law. Furthermore, nomination papers to select a final office to run for in the June primary would not be available for nearly another two months at the time the mailers were sent.

Finally, the mailers do not constitute a transfer of funds from a state committee to a federal committee. No funds were transferred, and the mailers do not otherwise qualify as communications in connection with a federal election. Further, the State Committee and Federal Committee are not sharing a PO Box or other facilities that could be construed as a transfer in violation of this prohibition.

### **1. The Mailers Were Not "In Connection" With an Election and Therefore Permissibly Paid for from the State Committee.**

Federal candidates, their agents, and entities directly or indirectly established, financed, maintained, or controlled ("EFMC'd") by Federal Candidates, may not raise or spend funds in connection with any federal or non-federal election unless the funds are in amounts and from sources permitted by the Act unless an exception applies.<sup>10</sup> The Commission has previously determined that a federal candidate's state committee is an entity EFMC'd by the federal candidate and, therefore is subject to these rules.<sup>11</sup>

Activities which are considered "in connection" with a federal election include soliciting funds for a campaign for federal office, express advocacy supporting or opposing federal candidates, certain voter registration or get out the vote activities, and federal election activity, as defined by the Act and Commission regulations. "Federal election activity" includes public communications that refer to a

---

<sup>9</sup> 52 U.S.C. § 30125(e)(2); 11 C.F.R. § 300.63.

<sup>10</sup> 52 USC § 30125(e)(1)(A)-(B); 11 CFR §300.61-.62.

<sup>11</sup> Advisory Op. 2007-26 (Schock) at 4.

clearly identified candidate for federal office and promote, support, attack, or oppose (“PASO”) a candidate for federal office.<sup>12</sup>

While the mailers sent by the State Committee were indeed public communications that clearly identified a candidate for federal office, as those terms are defined by the Act and Commission regulations, they do not PASO a candidate for federal office and were not otherwise in connection with a federal election.

In Advisory Opinion 2009-26 (Coulson), the Commission recently reiterated that “the mere identification of an individual who is a Federal candidate does not, in and of itself, promote, support, attack or oppose that candidate.”<sup>13</sup> Under the facts provided by Coulson, the Commission found that a legislative update letter sent by a state representative who was also a candidate for federal office was not in connection with an election for federal office and could be paid for using either state committee funds or public officeholder funds because the communication did not solicit contributions, expressly advocate, or otherwise promote or support the candidate.<sup>14</sup>

The letter was sent in Coulson’s capacity as a state representative, identified the official in that capacity, and was sent only to constituents of the state district Coulson was currently representing. Moreover, the adjectives in the letter which could have been construed as meeting the PASO standard were nevertheless not found to promote or support the federal candidate because they were clearly addressing the elected official’s past and ongoing legislative actions as a state officeholder when taken in the context of the entire communication. The Commission also noted that the communication was similar to constituent communications previously sent by Coulson and “consistent with the types of mailers State representatives typically send to their constituents as one of their responsibilities as State officeholders.” The Advisory Opinion went on to state “[t]he Commission previously has recognized that a State officeholder’s declaration of Federal candidacy does not automatically alter the character of the candidate’s activities routinely engaged in as a State officeholder.”<sup>15</sup> The Commission did not distinguish between use of state committee funds or public officeholder funds in the analysis, finding that use of either would be proper because the mailers were not in connection with a federal or non-federal election.<sup>16</sup>

Here, the communications paid for by Assemblymember Mullin’s State Committee are analogous to those considered and approved in the Coulson Advisory Opinion. These communications are consistent with the types of mailers that State elected officials routinely send to constituents to provide updates on legislative action and to keep lines of communication open between elected representatives and constituents. Both mailers clearly identify Assemblymember Mullin in his capacity as the recipient’s representative for State Assembly District 22 and make no mention of his candidacy

---

<sup>12</sup> 11 CFR §100.24(b)(3).

<sup>13</sup> Advisory Op. 2009-26 (Coulson) at 7, citing Advisory Ops. 2007-34 (Jackson), 2007-21 (Holt), 2006-10 (Echostar), and 2003-25 (Weinzapfel).

<sup>14</sup> *Id.* at 9.

<sup>15</sup> *Id.* at 9 (citing Advisory Op. 1999-11 (Byrum)).

<sup>16</sup> *Id.*

for federal office. The communications do not solicit funds or otherwise refer to elections in any manner.

The mailers were only sent to constituents of State Assembly District 22. While the complaint references receipt by a resident of Congressional District 15 as an allusion to a mailing list that included the entire Congressional District, that assertion is patently false. Only addresses located within State Assembly District 22 were on the mailing list for these communications.<sup>17</sup>

Further, as in the Coulson opinion, the references to “accomplishments” in the communications are clearly connected to the work Assemblymember Mullin has done and continues to do for the residents of Assembly District 22 in his capacity as a state representative. Furthermore, those accomplishments are across the board on many topics and not centered on a particularly important policy issue in the current Congressional campaign, which is further evidence that the communications are routine constituent communications and do not support or promote Assemblymember Mullin in his capacity as a candidate for federal office.

For these reasons, the mailers were a permissible use of Assemblymember Mullin’s State Committee funds to pay for legitimate officeholder communications and not subject to the Act’s requirement that they be paid for with federally permissible funds. As discussed further in Section 2, these officeholder communications were also permitted to be paid for by the State Committee under California state law.

## **2. Even if the Commission Determines that the Mailers Were “In Connection” with an Election, They Were Permissibly Paid for by the State Committee Under the Exception for Payments Made by a State Candidate in Connection with Running for State Office.**

Even if the Commission determines that the mailers were in connection with an election, they are properly considered in connection with a non-federal election and subject to the exception for state candidates raising and spending funds in connection with their own campaign for state office.

The Act contains an express exception to the requirement that funds spent by a federal candidate be within the source and amount restrictions of Federal law for an individual “who is or was also a candidate for a State or local office solely in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law and refers only to such State or local candidate, or to any other candidate for the State or local office sought by such candidate, or both.”<sup>18</sup>

Assemblymember Mullin is still considered a “candidate” for re-election to his current Assembly seat under California law. The Political Reform Act provides that an individual becomes a candidate by receiving contributions or making expenditures “to bring about the person’s nomination or election to

---

<sup>17</sup> Please find enclosed a screenshot of how the search query was run to prepare the mailing list as Exhibit D. The State Committee retains the original list should the Commission require a copy to resolve this matter.

<sup>18</sup> 52 U.S.C. § 30125(e)(2); 11 C.F.R. § 300.63.

an elective office” and that “[a]nyone who becomes a candidate retains candidate status until that status is terminated under Section 84214 [i.e., by closing their campaign committee].”<sup>1920</sup> Under this standard, Assemblymember Mullin has been a “candidate” for reelection to his current seat since November 30th, 2020.<sup>21</sup> There is nothing which says he loses this status as a state candidate by filing a subsequent Statement of Candidacy for federal office with the Commission. In fact, the Act and Commission regulations specifically contemplate that an individual may simultaneously be a candidate for both state office and federal office.<sup>22</sup> California law also allows a candidate to maintain open committees to run for different offices.<sup>23</sup>

Under California law, a candidate for state office is permitted to keep open a committee for future elective office and the funds do not become surplus funds (i.e., those that can no longer be used for election to office) until ninety days after the postelection reporting period (here June 30, 2022).<sup>24</sup> As a result, keeping the State Committee open is permissible under state law. And, while the Assemblymember is running a campaign for Congress, he is permitted to keep open his state re-elect committee, simultaneously continue the campaign for that office, and ultimately seek nomination for that position in 2022 should that be the best decision for his constituents based on the facts and intervening factors over the next several months.

Candidates for state or federal office intending to run in the 2022 June Primary Election in California cannot file nomination papers with the Secretary of State until mid-February of this year. The official nomination period for the June primary in California runs from February 14 to March 11, 2022.<sup>25</sup> As a result, the decision about which office to seek (federal vs. state re-elect) is not required to be final until the month of March and it is appropriate for Assemblymember Mullin to maintain and utilize the State Committee for costs associated with holding his current office and potential re-election to that office as permitted under California law. As was demonstrated by the recent and unexpected retirement announcement of long-time Representative Speier, the facts and political analysis of choosing to seek a particular seat may change during a few weeks let alone a few months. It is reasonable and appropriate for a state elected official to maintain a committee for reelection to state office while also launching a federal campaign while facts unfold and political decisions are made.

---

<sup>19</sup> 9 CAL. GOV. CODE § 82007(a). Note: subdivision (b) of Section 82007 provides that “candidate” does not apply to a candidate for federal office as related to the person’s activities related to seeking federal office because California law does not regulate the activities of federal candidates in their capacity as federal candidates. However, this provision does not remove Assemblymember Mullin’s status as a candidate for state office with respect to his existing committee for re-election to state office. (See, e.g., FPPC Adv. Ltr. A-97-359 (Pownall) (addressing application of Political Reform Act to candidates in their capacity as state candidates even if running for federal office).)

<sup>20</sup> The California Elections Code also provides that the term candidate includes “an individual ... who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or makes an expenditure with a view to bringing about his or her nomination or election to any elective state or local office.” Cal. Elec Code § 305(b).

<sup>21</sup> See Kevin Mullin, FPPC Form 501, Candidate Intention Statement, Exhibit C.

<sup>22</sup> 52 U.S.C. § 30125(e)(2); 11 C.F.R. § 300.63.

<sup>23</sup> See FPPC Adv. Ltr. A-05-146 (Raymer).

<sup>24</sup> 9 CAL. GOV. CODE § 89519.

<sup>25</sup> CAL ELEC. CODE §§ 8020; 8164; see also *Key Dates and Deadlines* produced by California Secretary of State, <https://www.sos.ca.gov/elections/upcoming-elections/statewide-direct-primary-election-june-7-2022/key-dates-deadlines>.

Since Assemblymember Mullin is still clearly a candidate for state office, the exception to the prohibition on use of nonfederal funds for state candidates who are or were candidates for state office applies to the mailers paid for by the State Committee, and federally permissible funds were not required to be spent on the mailers so long as the expenditures were permissible under state law.

Both mailers are unquestionably a permissible use of campaign funds under California law. The Political Reform Act provides that all funds held in a candidate's committee are "deemed to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding office."<sup>26</sup> "An expenditure to seek office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a political purpose. An expenditure associated with holding office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a legislative or governmental purpose."<sup>27</sup>

Based on these statutory provisions, as interpreted by the Fair Political Practices Commission (the "FPPC"), it is well established that elected state officeholders are permitted to use a committee for re-election to the same office for officeholder expenses, such as routine communications that keep constituents informed about legislative activity and the lines of communication open between the representative and his constituents.<sup>28</sup>

And, while it is our position that the mailers paid for by the State Committee are in fact officeholder communications, if the Commission determines that they are to be considered "in connection with an election," they are properly considered in connection with re-election to the current Assembly seat for the reasons discussed above. Communications in support of the Assemblymember's reelection to his current seat are the most obvious and permissible use of funds in a re-elect committee. As a result, the mailers paid for by the State Committee fit squarely within the exception for communications which are (1) permitted under State law and (2) refer only to the state candidate.<sup>29</sup>

### **3. The Mailers Do Not Constitute a Transfer from the State Committee to the Federal Committee.**

Finally, the Complaint alleges that the State Committee made a prohibited transfer of funds or assets to the federal committee. The prohibition on such transfers found in subdivision (d) of Commission Regulation 110.3 does not apply to the mailers for several reasons.

First, there was no transfer of funds between the two committee bank accounts.

Second, the mailers were developed for and paid for by the State Committee.<sup>30</sup>

---

<sup>26</sup> 9 CAL. GOV. CODE § 89510(b).

<sup>27</sup> 9 CAL. GOV. CODE § 89512(a).

<sup>28</sup> 2 CCR § 18525(b); *see also* FPPC. Adv. Ltr. A-05-146 (Raymer).

<sup>29</sup> 52 U.S.C. § 30125(e)(2).

<sup>30</sup> *See* invoices for mailers, Exhibit E.

Third, the mailers were officeholder communications rather than campaign communications (as detailed above).

Fourth, the communications did not result in an in-kind contribution from the State Committee to the Federal Committee. The Commission has advised that communications paid for by a federal candidate's committee for state office do not meet the conduct prong of the coordinated communications test.<sup>31</sup> Furthermore, the communications do not meet the content standard because they do not PASO a federal candidate (as discussed in Section 1 above) or any of the other standards provided for in subdivision (c) of Commission Regulation 109.21.

The Complaint also makes a vague allegation that the Federal Committee and State Committee share a PO Box in violation of this prohibition. This allegation is made solely based on the address listed on the Federal Committee's initial Statement of Organization<sup>32</sup> but ignores the amendment, filed on December 13, 2021, to update the committee's address of record.<sup>33</sup> The PO Box listed on the initial filings is no longer the same. There was no intention to use this mailbox for the Congressional campaign. The amendment to update the Federal Committee's address was filed proactively and prior to the filing of the Complaint.

\* \* \* \* \*

For the forgoing reasons, Respondents respectfully request that the Commission promptly find there is no reason to believe a violation of the Act has occurred, dismiss this politically motivated and frivolous complaint, and close the file. We appreciate the Commission's consideration of this response.

Sincerely,



Lacey Keys  
Counsel for Respondents

*Enclosures*

cc: Kevin Mullin, Candidate  
Stacy Owens, Treasurer Kevin Mullin for Congress & Kevin Mullin for Assembly 2022

---

<sup>31</sup> Advisory Op. 2009-26 (Coulson) at 7-8 (citing Advisory Op. 2007-01 (McCaskill)).

<sup>32</sup> Kevin Mullin, FEC Form 1, Statement of Organization (Nov. 19, 2021), *available at* <https://docquery.fec.gov/cgi-bin/forms/C00795005/1549268/>.

<sup>33</sup> Kevin Mullin, FEC Form 1, Statement of Organization Amendment (Dec. 13, 2021) *available at* <https://docquery.fec.gov/cgi-bin/forms/C00795005/1551531/>.





FEDERAL ELECTION COMMISSION  
1050 First Street, NE  
Washington, DC 20463

# STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

E-MAIL: [cela@fec.gov](mailto:cela@fec.gov)

AR/MUR/RR/P-MUR# MUR 7954

Name of Counsel: Lacey Keys

Firm: Keys Law Corporation

Address: 770 L Street, Suite 950

Sacramento, CA 95814

Office#: (916) 890-3670

Fax#: \_\_\_\_\_

Mobile#: \_\_\_\_\_

E-mail: lacey@keyslawcorp.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1/26/22

Date

Kevin Mullin

(Signature - Respondent/Agent/Treasurer)

CA Secretary

Title

Kevin Mullin

(Name - Please Print)

Kevin Mullin - Individual, Candidate

## RESPONDENT:

(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: c/o SE Owens & Company

(Please Print)

312 Clay Street, Suite 300 Oakland, CA 94607

Home#: \_\_\_\_\_

Mobile#: \_\_\_\_\_

Office#: 510.910.2022

Fax#: \_\_\_\_\_

E-mail: kevin@kevinmullin.com

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2021



FEDERAL ELECTION COMMISSION  
1050 First Street, NE  
Washington, DC 20463

### STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

E-MAIL: [cela@fec.gov](mailto:cela@fec.gov)

AR/MUR/RR/P-MUR# MUR 7954

Name of Counsel: Lacey Keys

Firm: Keys Law Corporation

Address: 770 L Street, Suite 950

Sacramento, CA 95814

Office#: (916) 890-3670

Fax#: \_\_\_\_\_

Mobile#: \_\_\_\_\_

E-mail: lacey@keyslawcorp.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1/26/2022 \_\_\_\_\_ Treasurer  
Date (Signature - Respondent/Agent/Treasurer) Title

Stacy Owens

(Name - Please Print)

#### RESPONDENT:

Kevin Mullin for Congress

(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: c/o SE Owens & Company  
(Please Print)

312 Clay Street, Suite 300 Oakland, CA 94607

Home#: \_\_\_\_\_

Mobile#: \_\_\_\_\_

Office#: 510.910.2022

Fax#: \_\_\_\_\_

E-mail: sowens@seowenscompany.com

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2021



**FEDERAL ELECTION COMMISSION**  
 1050 First Street, NE  
 Washington, DC 20463

### STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

E-MAIL: [cela@fec.gov](mailto:cela@fec.gov)

AR/MUR/RR/P-MUR# **MUR 7954**

Name of Counsel: Lacey Keys

Firm: Keys Law Corporation

Address: 770 L Street, Suite 950

Sacramento, CA 95814

Office#: (916) 890-3670

Fax#: \_\_\_\_\_

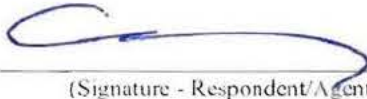
Mobile#: \_\_\_\_\_

E-mail: lacey@keyslawcorp.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/26/2022

Date



(Signature - Respondent/Agent/Treasurer)

Treasurer

Title

Stacy Owens

(Name - Please Print)

Kevin Mullin for Assembly 2022

**RESPONDENT:**

(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: c/o SE Owens & Company

(Please Print)

312 Clay Street, Suite 300 Oakland, CA 94607

Home#: \_\_\_\_\_

Mobile#: \_\_\_\_\_

Office#: 510.910.2022

Fax#: \_\_\_\_\_

E-mail: sowens@seowenscompany.com

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2021

# Exhibit A



**Illegal use of funds (David's opponent)**

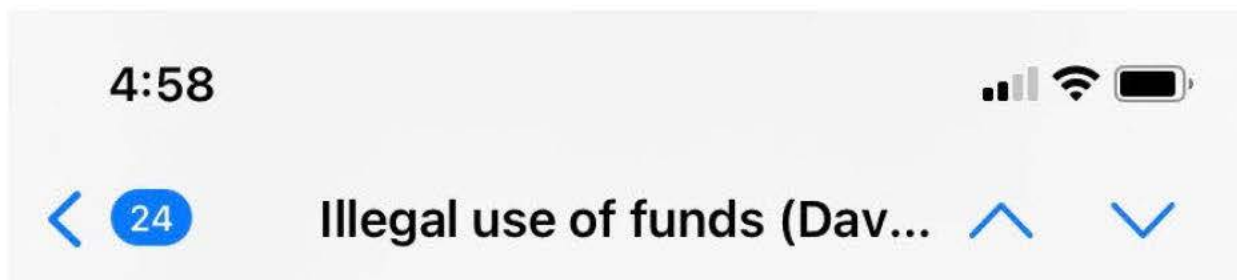
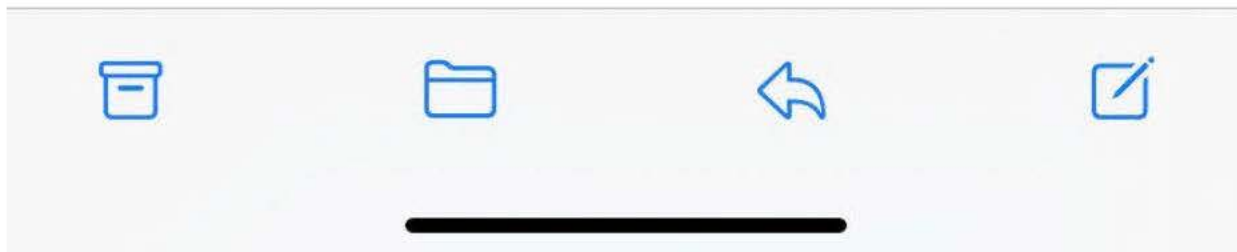


Two important things just happened with fundraising in David's race.



First — thanks to your powerful grassroots support — David is leading the field with over \$419,000 raised in a few weeks.

**However, David's opponent is now facing an FEC complaint from a district resident for illegally using campaign funds from a state account to benefit his campaign for Congress.**




the last thing we need is another insider who we can't trust to spend money the right way. [That's why David is running a grassroots campaign, one powered by and aimed at representing the people. Can you support](#)

[David today?](#)

**SUPPORT DAVID**

As someone who's represented San Mateo County for years as a local elected official, David's making sure to center his campaign's message on our communities.

The difference couldn't be clearer with David's opponent, who's being accused of misusing state funds to boost his name recognition in the district.

 [we can't afford to lose our progressive voice in Congress with this open seat. Can you support David's grassroots, people-powered campaign today?](#)

Sincerely,  
Team David

**DONATE >>**



# Exhibit B



# Statement of Organization Recipient Committee

## Statement Type

<input type="checkbox"/> Initial <input type="radio"/> Not yet qualified or <input checked="" type="radio"/> Date qualification threshold met 01 / 06 / 2021	<input type="checkbox"/> Amendment Date qualification threshold met / /	<input type="checkbox"/> Termination – See Part 5 Date of termination / /
--	---	---

**RECEIVED AND FILED**  
in the office of the Secretary of State  
of the State of California  
**FEB 01 2021**

Hand Delivered, Sacramento

**CALIFORNIA  
FORM 410**

For Official Use Only

1. Committee Information				2. Treasurer and Other Principal Officers			
<b>I.D. Number</b> 1435008 <small>(if applicable)</small>							
NAME OF COMMITTEE				NAME OF TREASURER			
KEVIN MULLIN FOR ASSEMBLY 2022				RUSSELL H. MILLER			
STREET ADDRESS (NO P.O. BOX)				STREET ADDRESS (NO P.O. BOX)			
20 PARK ROAD, SUITE E				20 PARK ROAD, SUITE E			
CITY	STATE	ZIP CODE	AREA CODE/PHONE	CITY	STATE	ZIP CODE	AREA CODE/PHONE
BURLINGAME	CA	94010	650-401-8735	BURLINGAME	CA	94010	650-401-8735
FULL MAILING ADDRESS (IF DIFFERENT)				NAME OF ASSISTANT TREASURER, IF ANY			
400 CAPITOL MALL, SUITE 1545, SACRAMENTO, CA 95814				REBECCA J. OLSON			
E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)				STREET ADDRESS (NO P.O. BOX)			
INFO@MILLERPOLITICALLAW.COM				400 CAPITOL MALL, SUITE 1545			
CITY	STATE	ZIP CODE	AREA CODE/PHONE	CITY	STATE	ZIP CODE	AREA CODE/PHONE
SACRAMENTO	CA	95814	916-254-5180	SACRAMENTO	CA	95814	916-254-5180
COUNTY OF DOMICILE	JURISDICTION WHERE COMMITTEE IS ACTIVE			NAME OF PRINCIPAL OFFICER(S)			
SAN MATEO	SAN MATEO						
Attach additional information on appropriately labeled continuation sheets.				STREET ADDRESS (NO P.O. BOX)			
				CITY STATE ZIP CODE AREA CODE/PHONE			

## 3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on	01/ 31 /2021	By	
	DATE		SIGNATURE OF TREASURER OR ASSISTANT TREASURER
Executed on	01/ 31 /2021	By	
	DATE		SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT
Executed on		By	
	DATE		SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT
Executed on		By	
	DATE		SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

# Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

**CALIFORNIA**  
**FORM 410**

Page 2

COMMITTEE NAME

KEVIN MULLIN FOR ASSEMBLY 2022

I.D. NUMBER

1435008

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION

First Foundation Bank

AREA CODE/PHONE

916-283-8042

BANK ACCOUNT NUMBER

5805006589

ADDRESS

1601 Response Rd Ste 190

CITY

Sacramento

STATE

CA

ZIP CODE

95815

## 4. Type of Committee Complete the applicable sections.

### Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan." Stating "No party preference" is acceptable
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT

ELECTIVE OFFICE SOUGHT OR HELD  
(INCLUDE DISTRICT NUMBER IF APPLICABLE)YEAR OF  
ELECTIONPARTY  
CHECK ONE

KEVIN C. MULLIN	STATE ASSEMBLY, DISTRICT 22	2022	Nonpartisan	Partisan ✓	(list political party below) DEMOCRATIC
			Nonpartisan	Partisan	(list political party below)

### Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)  
IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME.CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION  
(INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)

CHECK ONE

		SUPPORT	OPPOSE
		SUPPORT	OPPOSE

FPPC Form 410 (August/2018)

FPPC Advice: [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) (866/275-3772)[www.fppc.ca.gov](http://www.fppc.ca.gov)

# Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

**CALIFORNIA**  
**FORM 410**

Page 3

COMMITTEE NAME

KEVIN MULLIN FOR ASSEMBLY 2022

I.D. NUMBER

1435008

## 4. Type of Committee (Continued)

### General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

☐ CITY Committee☐ COUNTY Committee☐ STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

### Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

AREA CODE/PHONE

### Small Contributor Committee



Date qualified

## 5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or ponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
- This committee does not anticipate receiving contributions or making expenditures in the future;
- This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
- This committee has no surplus funds; and
- This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
  - There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
  - Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

# Exhibit C

## Candidate Intention Statement

Check One: ☒ Initial ☐ Amendment (Explain) \_\_\_\_\_

<b>RECEIVED</b> in the office of the Secretary of State of the State of California <b>NOV 30 2020</b> Hand Delivered, Sacramento	<b>CALIFORNIA FORM 501</b>
	For Official Use Only

## 1. Candidate Information:

NAME OF CANDIDATE (Last, First Middle Initial)		DAYTIME TELEPHONE NUMBER	FAX NUMBER (optional)	EMAIL (optional)
MULLIN, KEVIN C		( 916 ) 319-2022	( 916 ) 379-8531	info@millerpoliticallaw.com
STREET ADDRESS		CITY	STATE	ZIP CODE
ROOM 3160, STATE CAPITOL		SACRAMENTO	CA	95814
OFFICE SOUGHT (POSITION TITLE)	AGENCY NAME	DISTRICT NUMBER, if applicable.		<input type="checkbox"/> NON-PARTISAN OFFICE
STATE ASSEMBLY		22		PARTY PREFERENCE: DEMOCRAT
OFFICE JURISDICTION				
<input checked="" type="checkbox"/> State (Complete Part 2)				
<input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Multi-County: _____ (Name of Multi-County Jurisdiction)				
2022 (Year of Election)				
<input checked="" type="checkbox"/> PRIMARY / GENERAL <input type="checkbox"/> SPECIAL / RUNOFF				

## 2. State Candidate Expenditure Limit Statement:

(CalPERS and CalSTRS candidates, judges, judicial candidates, and candidates for local offices do not complete Part 2.)

(Check one box)

☒ I accept the voluntary expenditure ceiling for the election stated above.☐ I do not accept the voluntary expenditure ceiling for the election stated above.

Amendment:

☐ I did not exceed the expenditure ceiling in the primary or special election held on \_\_\_\_/\_\_\_\_/\_\_\_\_ and I accept the voluntary expenditure ceiling for the general or special run-off election.

(Mark if applicable)

☐ On, \_\_\_\_/\_\_\_\_/\_\_\_\_ I contributed personal funds in excess of the expenditure ceiling for the election stated above.

## 3. Verification:

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 Executed on 11 05 2020  
 (month, day, year)

 Signature Kevin Mullin  
 (Candidate)

# Exhibit D

**Universe Description**

( Geography IN(CA - AD 22 - 22nd  
Assembly District (2020)) )

NOT

( (Residential Information IN (

PO Boxes

)) )

NOT

( (Residential Information IN (

**Copy Description**

☐ Deactivate (Hide) this Universe

☐ Set Universe as Target

**Edit Universe**

# Exhibit E





**BaughmanMerrill**  
 1592 Union Street, Suite 401  
 San Francisco, CA 94123 US  
 info@BaughmanMerrill.com  
<https://www.baughmanmerrill.com>

**BILL TO**

Kevin Mullin for Assembly 2022  
 P. O. Box 5486  
 South San Francisco, CA  
 94083

**INVOICE 004KM****DATE** 12/14/2021 **TERMS** Due on receipt**DUE DATE** 12/14/2021

	QTY	AMOUNT
<b>Production</b>		
Design, Copy, Printing, Production, Mailshop, Shipping and Estimated Postage of Mullin 5.5x8.5 Holiday Card	106,751	53,375.50
<b>Data</b>		
Voter File Data	1	2,329.10

For confirmation, please provide the FED# for transfers to  
 BaughmanMerrill

WIRE TRANSFER Instructions:  
 Wells Fargo Bank, San Francisco, CA ABA  
 For further credit to The Baughman Company Inc Account

Account Location:  
 Wells Fargo Bank  
 420 Montgomery Street  
 San Francisco, CA 94104

<b>TOTAL DUE</b>	<b>\$55,704.60</b>
------------------	--------------------



**BaughmanMerrill**  
 1592 Union Street, Suite 401  
 San Francisco, CA 94123 US  
[info@BaughmanMerrill.com](mailto:info@BaughmanMerrill.com)  
<https://www.baughmanmerrill.com>

**BILL TO**

Kevin Mullin for Assembly 2022  
 P.O. Box 5486  
 South San Francisco, CA  
 94083

**INVOICE 005KM****DATE** 12/18/2021 **TERMS** Due on receipt**DUE DATE** 12/18/2021

	QTY	AMOUNT
<b>Production</b>	104,940	103,890.60
Design, Copy, Printing, Production, Mailshop, Shipping and Estimated Postage of Mullin Accomplishments 12-Page Booklet		
<b>Postage Credit</b>	1	-4,948.61
Postage Credit from Mullin Holiday Card		

For confirmation, please provide the FED# for transfers to  
 BaughmanMerrill

WIRE TRANSFER Instructions:  
 Wells Fargo Bank, San Francisco, CA ABA  
 For further credit to The Baughman Company Inc Account

Account Location:  
 Wells Fargo Bank  
 420 Montgomery Street  
 San Francisco, CA 94104

<b>TOTAL DUE</b>	<b>\$98,941.99</b>
------------------	--------------------