

**BEFORE THE UNITED STATES  
FEDERAL ELECTION COMMISSION**

Mary McMillan

[REDACTED]  
Santa Cruz, CA 95062

MUR # 8097

2023 JAN 11 AM 8:32

OFFICE OF  
GENERAL COUNSEL

Complainant,

v.

Kumar for Congress and Surya Hotha, Treasurer  
19404 Shubert Drive  
Saratoga, CA 95070  
[voteRishiKumar@gmail.com](mailto:voteRishiKumar@gmail.com)  
[rishil@gmail.com](mailto:rishil@gmail.com)

Respondents.

**COMPLAINT**

This complaint is filed under 11 C.F.R. § 110.3(d) and 52 U.S.C. § 30125(e)(1) against Kumar for Congress, and Surya Hotha, its Treasurer (collectively, "Respondents"), for violating the Federal Election Campaign Act of 1971, as amended (the "Act") and Federal Election Commission (the "FEC" or "Commission") regulations. There is compelling evidence that Respondents have violated FEC regulations by accepting campaign contributions in excess of the contributions limits and not properly refunding those contributions. Moreover, a review of the reports filed by Respondents demonstrate a host of other reporting violations, including inaccurate contributor titles and addresses, and incorrect disclosure of the election cycle to date contributions by certain contributors. Many of the same violations addressed in this complaint have also been identified by the Commission's Reports Analysis Division in various Requests for Additional Information sent to Respondents. We urge the Commission to immediately

investigate these violations and levy appropriate sanctions against Respondents for their failure to comply with crucial and basic requirements of the Act and Commission regulations.

### **FACTUAL BACKGROUND**

Rishi Kumar was a candidate for election to the U.S. House of Representatives from California's newly redrawn 16th Congressional District.<sup>1</sup>

This complaint pertains to contributions received from twenty-three donors who contributed more than the federal contribution limit of \$2,900 for the primary election and \$2,900 for the general election. As of the date of this complaint, Respondents' latest filings do not disclose refunds to the donors in question. The specific contribution limit violations are addressed below for each donor.

#### **I. Leasa Donovan**

Over the course of the election cycle, Leasa Donovan contributed a total of \$17,200, all of which was designated for the primary election. Ms. Donovan's contributions exceeded the primary election limit of \$2,900 by \$14,300. Ms. Donovan's contributions were as follows:

- 2/6/2021- Contribution of \$2800. Designated for primary election.<sup>2</sup>
- 2/6/2021-Contribution of \$2800. Designated for primary election.<sup>3</sup>
- 2/6/2021-Contribution of \$2800. Designated for primary election.<sup>4</sup>
- 2/6/2021-Contribution of \$2800. Designated for primary election.<sup>5</sup>

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<sup>1</sup> Rishi Kumar, Statement of Candidacy (Nov. 14, 2020), available at <https://docquery.fec.gov/pdf/389/202011149336989389/202011149336989389.pdf>

<sup>2</sup> Amended Q1 2021 Report, Page 5: <https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at Page 6

<sup>5</sup> *Id.*

## II. Anjali Sridhar

Over the course of the election cycle, Anjali Sridhar contributed a total of \$14,100, \$11,200 of which was designated for the primary election. Ms. Sridhar's contributions exceeded the primary election limit of \$2,900 by \$8,300. Ms. Sridhar's contributions were as follows:

- 2/6/2021-Contribution of \$2800. Designated for primary election.<sup>6</sup>
- 2/6/2021-Contribution of \$2800. Designated for primary election.<sup>7</sup>
- 2/6/2021-Contribution of \$2800. Designated for primary election.<sup>8</sup>
- 2/6/2021-Contribution of \$2800. Designated for primary election.<sup>9</sup>
- 9/30/2022-Contribution of \$2900. Designated for general election.<sup>10</sup>

## III. Jayant Somani:

Over the course of the election cycle, Jayant Somani contributed a total of \$11,600, \$5,800 of which was for the primary election and \$5,800 of which was for the general election. Ms. Somani's contributions exceeded the \$2,900 per election limit by \$2,900 for the primary election, and \$2,900 for the general election, for a total of \$5,800 in excess of the applicable limits.

Ms. Somani contributed to the campaign on four different dates, but these contributions were disclosed using different addresses and slightly different job titles and employers. Ms. Somani's contributions were as follows<sup>11</sup>:

- 12/15/2021-Contribution of \$2900. Designated for primary election. Mailing Address 15374 Madrone Hill Rd. Name of Employer-Enphase Energy, Occupation- VP/GM

<sup>6</sup> Amended Q1 2021 Report, Page 10:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at Page 11.

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

<sup>10</sup> Amended Q3 2022 Report, Page 23:

<https://docquery.fec.gov/pdf/753/202210279543152753/202210279543152753.pdf#navpanes=0>. For this contribution, Respondents inaccurately disclosed the election cycle-to-date total for the contributor as \$2,900.

<sup>11</sup> Amended Q4 2021 report, Pages 14 and 15:

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

- 12/15/2021-Contribution of \$2900. Designated for general election. Mailing Address 15374 Madrone Hill Rd. Name of Employer-Enphase Energy, Occupation- VP/GM
- 12/31/2021-Contribution of \$2900. Designated for primary election. Mailing Address 12717 Plymouth Drive. Name of Employer-VP/GM, Occupation-Enphase Energy
- 12/31/2021-Contribution of \$2900. Designated for primary election. Mailing Address 12717 Plymouth Drive. Name of Employer-VP/GM, Occupation-Enphase Energy

#### **IV. Vandana Thirumale:**

Over the course of the election cycle, Vandana Thirumale contributed a total of \$11,600, \$5,800 of which was for the primary election and \$5,800 of which was for the general election. Ms. Thirumale's contributions exceeded the \$2,900 per election limit by \$2,900 for the primary election, and \$2,900 for the general election, for a total of \$5,800 in excess of the applicable limit.

Ms. Thirumale contributed to the campaign on December 30, 2021, but these contributions were disclosed using different addresses and slightly different job titles and employers. Ms. Thirumale's contributions were as follows<sup>12</sup>:

- 12/30/2021-Contribution of \$2900. Designated for primary election. Occupation-Mailing Address: 13538 Ronnie Way. Occupation: Housewife.
- 12/30/2021-Contribution of \$2900. Designated for general election. Mailing Address: 13538 Ronnie Way. Occupation-Housewife.
- 12/30/2021-Contribution of \$2900. Designated for primary election. Mailing Address: 18689 Ronnie Way. Occupation-Retired.
- 12/30/2021-Contribution of \$2900. Designated for general election. Mailing Address: 18689 Ronnie Way. Occupation-Retired.

#### **V. Gopal Agarwal:**

Over the course of the election cycle, Gopal Agarwal contributed a total of \$8,700, \$5,800 of which was for the primary election and \$2,900 of which was for the general election.

<sup>12</sup> Amended Q4 2021 report pages 17 and 18

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

Mr. Agarwal's contributions exceeded the \$2,900 per election limit by \$2,900 for the primary election. Mr. Agarwal's contributions were as follows:

- 12/30/2021-Contribution of \$2900. Designated for primary election.<sup>13</sup>
- 6/15/2022-Contribution of \$2900. Designated for primary election.<sup>14</sup>
- 6/15/2022-Contribution of \$2900. Designated for the general election.<sup>15</sup>

#### **VI. Chandar Pattabhiram:**

Over the course of the election cycle, Chandar Pattabhiram contributed a total of \$8,700, \$5,800 of which was for the primary election and \$2,900 of which was for the general election.

Ms. Pattabhiram's contributions exceeded the \$2,900 per election limit by \$2,900 for the primary election. Ms. Pattabhiram's contributions were as follows:

- 5/18/2022-Contribution of \$2900. Designated for general election.<sup>16</sup>
- 5/18/2022-Contribution of \$2900. Designated for primary election.<sup>17</sup>
- 12/30/2021. Contribution of \$2900. Designated for primary election<sup>18</sup>

#### **VII. Jay Vadrevu:**

Over the course of the election cycle, Jay Vadrevu contributed a total of \$8,700, all of which were designated for the general election. Mr. Vadrevu's contributions exceeded the general election limit of \$2,900 by \$5,800. Mr. Vadrevu's contributions were as follows:

- 5/19/2022--Contribution of \$2900. Designated for the general election.<sup>19</sup>

<sup>13</sup> Amended Q4 2021 report, Page 5

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

<sup>14</sup> Amended Q2 2022 report, Page 5:

<https://docquery.fec.gov/pdf/462/202210279541717462/202210279541717462.pdf#navpanes=0>

<sup>15</sup> Amended Q2 2022 report, Page 5

<https://docquery.fec.gov/pdf/462/202210279541717462/202210279541717462.pdf#navpanes=0>

<sup>16</sup> Amended Q2 2022 Report, Page 15

<https://docquery.fec.gov/pdf/416/202210279541717416/202210279541717416.pdf#navpanes=0>

<sup>17</sup> Amended Q2 2022 Report, Page 15

<https://docquery.fec.gov/pdf/416/202210279541717416/202210279541717416.pdf#navpanes=0>

<sup>18</sup> Amended Q4 2021 Report, Page 12

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

<sup>19</sup> Amended Q2 2022 Report, Page 11:

<https://docquery.fec.gov/pdf/462/202210279541717462/202210279541717462.pdf#navpanes=0>

- 9/29/2022-Contribution of \$2900. Designated for the general election.<sup>20</sup>
- 9/29/2022-Contribution of \$2900. Designated for the general election.<sup>21</sup>

### **VIII. Bachu Om:**

Over the course of the election cycle, Bachu Om contributed a total of \$5,800, all of which were designated for the primary election. Mr. Om's contributions exceeded the primary election limit of \$2,900 by \$2,900. Mr. Om's contributions were as follows:

- 12/31/2021--Contribution of \$2900. Designated for the primary election.<sup>22</sup>
- 1/14/2022--Contribution of \$2900. Designated for the primary election.<sup>23</sup>

### **IX. Thomas Dyal:**

Over the course of the election cycle, Thomas Dyal contributed a total of \$8,700, \$5,800 of which was designated for the general election and \$2,900 of which was designated for the primary election. Mr. Dyal's contributions exceeded the general election limit of \$2,900 by \$2,900. Mr. Dyal's contributions were as follows:

- 2/16/2022--Contribution of \$2900. Designated for the primary election.<sup>24</sup>
- 2/16/2022--Contribution of \$2900. Designated for the general election.<sup>25</sup>
- 10/17/2022--Contribution of \$2900. Designated for the general election.<sup>26</sup>

<sup>20</sup> Amended Q3 2022 Report, Page 24:

<https://docquery.fec.gov/pdf/753/202210279543152753/202210279543152753.pdf#navpanes=0>

<sup>21</sup> Amended Q3 2022 Report, Page 25:

<https://docquery.fec.gov/pdf/753/202210279543152753/202210279543152753.pdf#navpanes=0>

<sup>22</sup> Amended Q4 2021 Report, Page 5:

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

<sup>23</sup> Amended Q1 2022 Report, Page 6:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

<sup>24</sup> Amended Q1 2022 Report, Page 8:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

<sup>25</sup> Amended Q1 2022 Report, Page 8:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

<sup>26</sup> Pre-General Report. Page 6:

<https://docquery.fec.gov/pdf/540/202211029546697540/202211029546697540.pdf#navpanes=0>

## **X. Dave House**

Over the course of the election cycle, Dave House contributed a total of \$8,700, \$5,800 of which was designated for the primary election and \$2,900 of which was designated for the general election. Mr. House's contributions exceeded the primary election limit of \$2,900 by \$2,900. Mr. House's contributions were as follows:

- 3/31/2022--Contribution of \$5800. Designated for the primary election.<sup>27</sup>
- 10/17/2022--Contribution of \$2900. Designated for the general election.<sup>28</sup>

## **XI. Mohan Kalkunte**

Over the course of the election cycle, Mohan Kalkunte contributed a total of \$5,800, all of which was designated for the primary election. Mr. Kalkunte's contributions exceeded the \$2,900 primary election limit of \$2,900 by \$2,900. Mr. Kalkunte's contributions were as follows:

- 10/26/21—Contribution of \$2900. Designated for the primary election.<sup>29</sup>
- 3/30/2022--Contribution of \$2900. Designated for the primary election.<sup>30</sup>

## **XII. Devyany Kamdar**

Over the course of the election cycle, Devyany Kamdar contributed a total of \$8,700, \$5,800 of which was designated for the general election and \$2,900 of which was designated for the primary election. Mr. Kamdar's contributions exceeded the general election limit of \$2,900 by \$2,900. Mr. Kamdar's contributions were as follows:

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<sup>27</sup> Amended Q1 2022 Report, Page 10:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

<sup>28</sup> Pre-General Report, Page 9:

<https://docquery.fec.gov/pdf/540/202211029546697540/202211029546697540.pdf#navpanes=0>

<sup>29</sup> Amended Q4 2021 Report, Page 9:

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

<sup>30</sup> Amended Q1 2022 Report, Page 10:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

- 3/31/2022--Contribution of \$2900. Designated for the primary election.<sup>31</sup>
- 3/31/2022--Contribution of \$2900. Designated for the general election.<sup>32</sup>
- 10/17/2022-Contribution of \$2900. Designated for the general election.<sup>33</sup>

### **XIII. Rishub Kumar**

Over the course of the election cycle, Rishub Kumar contributed a total of \$8,700, all of which was designated for the general election. Mr. Kumar's contributions exceeded the general election limit of \$2,900 by \$5,800. Mr. Kumar's contributions were as follows:

- 6/1/2022-Contribution of \$2900. Designated for the general election.<sup>34</sup>
- 6/1/2022-Contribution of \$2900. Designated for the general election.<sup>35</sup>
- 10/17/2022-Contribution of \$2900. Designated for the general election.<sup>36</sup>

### **XIV. Padma Mohan**

Over the course of the election cycle, Padma Mohan contributed a total of \$5,800, all of which was designated for the primary election. Ms. Mohan's contributions exceeded the primary election limit of \$2,900 by \$2,900. Ms. Mohan's contributions were as follows:

- 10/26/2021--Contribution of \$2900. Designated for the primary election.<sup>37</sup>
- 3/30/2022-Contribution of \$2900. Designated for the primary election.<sup>38</sup>

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<sup>31</sup> Amended Q1 2022 Report, Page 10:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

<sup>32</sup> Amended Q1 2022 Report, Page 10:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

<sup>33</sup> Pre-General Report, Page 10:

<https://docquery.fec.gov/pdf/540/202211029546697540/202211029546697540.pdf#navpanes=0>

<sup>34</sup> Amended Q2 2022 Report, Page 8:

<https://docquery.fec.gov/pdf/462/202210279541717462/202210279541717462.pdf#navpanes=0>

<sup>35</sup> Amended Q2 2022 Report, Page 8:

<https://docquery.fec.gov/pdf/462/202210279541717462/202210279541717462.pdf#navpanes=0>

<sup>36</sup> Pre-General Report, Page 10:

<https://docquery.fec.gov/pdf/540/202211029546697540/202211029546697540.pdf#navpanes=0>

<sup>37</sup> Amended Q4 2021 Report, Page 11:

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

<sup>38</sup> Amended Q1 2022 Report, Page 14:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

## **XV. Dhanshree Bhagwatrao Pawar**

Over the course of the election cycle, Dhanshree Bhagwatrao Pawar contributed a total of \$5,800 all of which was designated for the general election. Ms. Pawar's contributions exceeded the general election limit of \$2,900 by \$2,900. Ms. Pawar's contributions were as follows:

- 8/13/2022--Contribution of \$2900. Designated for the general election.<sup>39</sup>
- 8/13/2022—Contribution of \$2,900. Designated for the general election.<sup>40</sup>

## **XVI. Sumita Somani**

Over the course of the election cycle, Sumita Somani contributed a total of \$8,700, \$5,800 of which was designated for the general election and \$2,900 of which was designated for the primary election. Ms. Somani's contributions exceeded the general election limit of \$2,900 by \$2,900. Ms. Somani's contributions were as follows:

- 12/15/2021--Contribution of \$2900. Designated for the primary election.<sup>41</sup>
- 12/15/2021--Contribution of \$2900. Designated for the general election.<sup>42</sup>
- 10/17/2022--Contribution of \$2900. Designated for the general election.<sup>43</sup>

## **XVII. Murali Thirmale**

Over the course of the election cycle, Murali Thirmale contributed a total of \$8,700, \$5,800 of which was designated for the general election and \$2,900 of which was designated for the primary election. Mr. Thirmale's contributions exceeded the general election limit of \$2,900 by \$2,900. Mr. Thirmale's contributions were as follows:

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<sup>39</sup> Amended Q3 2022 Report, Page 18:

<https://docquery.fec.gov/pdf/753/202210279543152753/202210279543152753.pdf#navpanes=0>

<sup>40</sup> Amended Q3 2022 Report, Page 18:

<https://docquery.fec.gov/pdf/753/202210279543152753/202210279543152753.pdf#navpanes=0>

<sup>41</sup> Amended Q4 2021 Report, Page 16:

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

<sup>42</sup> *Id.*

<sup>43</sup> Pre-General Report, Page 15:

<https://docquery.fec.gov/pdf/540/202211029546697540/202211029546697540.pdf#navpanes=0>

- 12/30/2021--Contribution of \$2900. Designated for the primary election.<sup>44</sup>
- 12/30/2021--Contribution of \$2900. Designated for the general election.<sup>45</sup>
- 10/17/2022--Contribution of \$2900. Designated for the general election.<sup>46</sup>

### **XVIII. Anjali Yadav**

Over the course of the election cycle, Anjali Yadav contributed a total of \$8,700, \$5,800 of which was designated for the general election and \$2,900 of which was designated for the primary election. Ms. Yadav's contributions exceeded the general election limit of \$2,900 by \$2,900. Ms. Yadav's contributions were as follows:

- 12/30/21-Contribution of \$2900. Designated for the primary election.<sup>47</sup>
- 12/30/21-Contribution of \$2900. Designated for the general election.<sup>48</sup>
- 10/17/2022-Contribution of \$2900 earmarked for the general election.<sup>49</sup>

### **XIX. Rishi Raj Yadav**

Over the course of the election cycle, Rishi Raj Yadav contributed a total of \$8,700, \$2,900 of which was designated for the primary election and \$5,800 of which was designated for the general election. Mr. Yadav's contributions exceeded the general election limit of \$2,900 by \$2,900. Mr. Yadav's contributions were as follows:

- 12/30/21-Contribution of \$2900. Designated for the primary election.<sup>50</sup>
- 12/30/21-Contribution of \$2900. Designated for the general election.<sup>51</sup>
- 10/17-2022-Contribution of \$2900. Designated for the general election.<sup>52</sup>

<sup>44</sup> Amended Q4 2021 Report, Page 17:

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

<sup>45</sup> *Id.*

<sup>46</sup> Pre-General Report, Page 16:

<https://docquery.fec.gov/pdf/540/202211029546697540/202211029546697540.pdf#navpanes=0>. Note that Respondent's inaccurately disclose this contributor's election-cycle-to-date total as \$2,900 instead of \$8,700.

<sup>47</sup> Amended Q4 2021 Report, Page 20:

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

<sup>48</sup> *Id.*

<sup>49</sup> Pre-General Report, Page 17:

<https://docquery.fec.gov/pdf/540/202211029546697540/202211029546697540.pdf#navpanes=0>

<sup>50</sup> Amended Q4 2021 Report, Page 21:

<https://docquery.fec.gov/pdf/282/202210279541710282/202210279541710282.pdf#navpanes=0>

<sup>51</sup> *Id.*

<sup>52</sup> Pre-General Report, Page 18

<https://docquery.fec.gov/pdf/540/202211029546697540/202211029546697540.pdf#navpanes=0>

**XX. Bill Gorman**

Over the course of the election cycle, Bill Gorman contributed a total of \$7,100, all of which was designated for the general election. Mr. Gorman's contributions exceeded the general election limit of \$2,900 by \$4,200. Mr. Gorman's contributions were as follows:

- 6/1/2022-Contribution of \$5000. Designated for the general election.<sup>53</sup>
- 10/17/2022-Contribution of \$2100 designated for the general election.<sup>54</sup>

**XXI. David Rossi**

Over the course of the election cycle, David Rossi contributed a total of \$4,900, all of which was designated for the general election. Mr. Rossi's contributions exceeded the general election limit of \$2,900 by \$2,000. Mr. Rossi's contributions were as follows:

- 6/1/2022-Contribution of \$2000. Designated for the general election.<sup>55</sup>
- 9/29/2022-Contribution of \$2900. Designated for general election.<sup>56</sup>

**XXII. HansPeter Gerber**

Over the course of the election cycle, HansPeter Gerber contributed a total of \$4,000, all of which was designated for the primary election. Mr. Gerber's contributions exceeded the primary election limit of \$2,900 by \$1,100. Mr. Gerber's contributions were as follows:

- 3/23/21- Contribution of \$2000. Designated for the primary election.<sup>57</sup>
- 3/23/21-Contribution of \$2000 designated for the primary election.<sup>58</sup>

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<sup>53</sup> Amended Q2 2022 Report, Page 7:

<https://docquery.fec.gov/pdf/462/202210279541717462/202210279541717462.pdf#navpanes=0>

<sup>54</sup> Pre-General Report, Page 8:

<https://docquery.fec.gov/pdf/540/202211029546697540/202211029546697540.pdf#navpanes=0>

<sup>55</sup> Amended Q2 2022 Report, Page 10:

<https://docquery.fec.gov/pdf/462/202210279541717462/202210279541717462.pdf#navpanes=0>

<sup>56</sup> Amended Q3 2022 Report, Page 21:

<https://docquery.fec.gov/pdf/753/202210279543152753/202210279543152753.pdf#navpanes=0>

<sup>57</sup> Amended Q1 2021 Report, Page 7:

<https://docquery.fec.gov/pdf/873/202210269541660873/202210269541660873.pdf#navpanes=0>

<sup>58</sup> *Id.*

### **XXIII. Narsimha Koppula**

Over the course of the election cycle, Narsimha Koppula contributed a total of \$3,400, all of which was designated for the primary election. Ms. Koppula's contributions exceeded the primary election limit of \$2,900 by \$500. Ms. Koppula's contributions were as follows:

- 3/31/2022-Contribution of \$500. Designated for the primary election.<sup>59</sup>
- 5/16/2022-Contribution of \$2900. Designated for the primary election.<sup>60</sup>

### **LEGAL ANALYSIS**

#### **I. Applicable Law**

The Act and Commission regulations prohibit federal candidates from soliciting, receiving, directing, transferring, or spending funds in connection with a federal campaign unless the funds are subject to the limitations, prohibitions, and reporting requirements under the Act.<sup>61</sup> In addition, the Act and Commission regulations require that contribution information be accurately reported to ensure appropriate disclosure of this important information to voters in advance of the election.<sup>62</sup>

#### **II. Respondents accepted contributions over the legal contribution limit from multiple individuals in violation of the Act and Commission Regulations. When prompted by the Commission's Reports Analysis Division to address these excessive contributions, Respondents did not respond to the Commission's Requests for Additional Information.**

As outlined in detail in the factual analysis portion of this complaint, Respondents accepted contributions in excess of the legal limit from over twenty donors over the course of a

<sup>59</sup> *Id* at Page 12.

<sup>60</sup> Amended Pre-Primary Report, Page 12:

<https://docquery.fec.gov/pdf/416/202210279541717416/202210279541717416.pdf#navpanes=0>

<sup>61</sup> 52 U.S.C. § 30125(e)(1); 11 C.F.R. § 300.61.

<sup>62</sup> 11 C.F.R. § 104.3

two-year election cycle and blatantly violated the contribution limits imposed by the Act and Commission regulations.

Individuals or political committees other than authorized committee or qualified multi-candidate committee are not permitted to make a contribution to a candidate for federal office in excess of \$2,900 per election.<sup>63</sup> Despite this limitation, in multiple instances Respondents accepted contributions from individuals in excess of this limit. In addition, this violation was pointed out to the committee in numerous Requests for Additional Information (RFAs) sent to the committee from the Reports Analysis Division, none of which prompted an explanatory response from Respondents, or reports demonstrating redesignations or refunds of the excessive contributions to cure this issue.<sup>64</sup> Instead, Respondents kept the illegal contributions and used those contributions in connection with the 2022 primary and general elections.

**III. In some instances, Respondents did not accurately report information regarding contributions received and thereby misled the public regarding the permissibility of certain contributions.**

Commission regulations require political committees to accurately report the total contributions received during the election cycle from each contributor on the committee's campaign reports.<sup>65</sup> In addition, committees are required to accurately report the mailing address and occupation and employer for contributions received from individuals.<sup>66</sup> As discussed in the factual analysis portion of this complaint, in some instances Respondents inaccurately disclosed the election-cycle-to-date total for certain contributors and reported misleading information

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<sup>63</sup> 52 U.S.C. § 30116(a) and (f) (formerly 2 U.S.C. § 441a(a) and (f)); 11 CFR § 110.1(b), (e) and (k)

<sup>64</sup> <https://docquery.fec.gov/pdf/981/202209220300153981/202209220300153981.pdf>;  
<https://docquery.fec.gov/pdf/976/202209220300153976/202209220300153976.pdf>;  
<https://docquery.fec.gov/pdf/971/202209220300153971/202209220300153971.pdf>;  
<https://docquery.fec.gov/pdf/965/202209220300153965/202209220300153965.pdf>;  
<https://docquery.fec.gov/pdf/956/202209220300153956/202209220300153956.pdf>

<sup>65</sup> 11 C.F.R. § 104.3(a)(4)(i)

<sup>66</sup> 11 C.F.R. § 100.12

regarding the address and occupation of certain contributors in violation of Commission regulations.<sup>67</sup> These reporting violations misled the public by inaccurately creating the perception that some of the impermissible contributions were permissible.

### REQUESTED ACTION

As shown, Respondents appear to have repeatedly violated the Act and Commission regulations by accepting funds from individuals in excessive of the legal contribution limit. Accordingly, we 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,

 12/28/2022

Mary McMillan

Treasurer, Anna Eshoo for Congress

555 Capitol Mall Suite 400

Sacramento, CA 95814

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<sup>67</sup> 11 C.F.R. § 104.3

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 Cruz

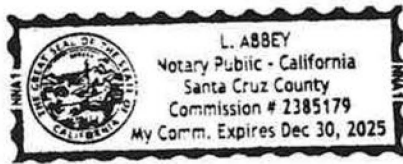
Subscribed and sworn to (or affirmed) before me on this 28<sup>th</sup> day of Dec., 2022, by  
Mary McMillan  
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature

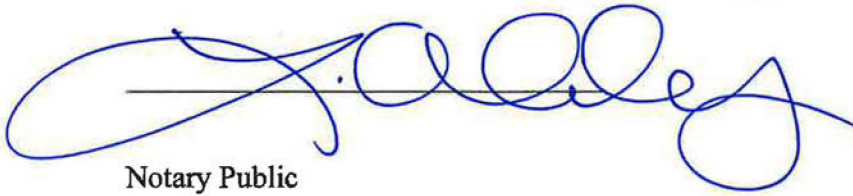
Name

L. ABBEY  
(typed or printed)

(This area for official notarial seal)



SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of December 2022.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 12/30/2025

