

**RECEIVED***By OGC/CELA at 5:18 pm, Apr 26, 2024***RESPONSE TO MUR8236**

This bizarre Complaint should be dismissed out of hand because its claims are easily verified as false. The complainant asserts:

In 2023, Rep. Kiley opened Californians to Reduce Homelessness, Drug Addiction and Theft, with an initial \$50,000 donation from his Federal campaign committee "Kevin Kiley for Congress", effectively making CHRDAT a federal committee.

That statement is entirely fabricated:

- Rep. Kiley did not open the Committee to Reduce Homelessness, Drug Addiction, and Theft. It wasn't until over two months after the committee was formed that he first publicly commented on the initiative; that's when he first learned about it.
- Rep. Kiley has not made any monetary contributions to the Committee. The Complaint's \$50,000 allegation is cut from whole cloth. No report with the FEC or the Fair Political Practices Commission evidences any such contribution, because one was never made.

The rest of the Complaint – which was immediately leaked to the LA Times, weeks before Rep. Kiley formally received it – is equally baseless. It fails to provide any evidence for the wild claim that Representative Kiley "controls" a ballot measure committee that has raised some \$7 million and, according to the organizers, gathered over 900,000 signatures.

- The Complaint asserts that Rep. Kiley joining several law enforcement officials in February to advocate for the measure's qualification constitutes control of the organization. Dozens of other elected officials throughout the state, at all levels of government, are supporting this initiative and have been part of events advocating for its passage.
- The Complaint asserts that because Rep. Kiley has proposed repealing Prop. 47 in the past, he must control the current effort to amend it. Prop. 47 has generated widespread opposition for the last decade, and Rep. Kiley is one of many who have previously tried to change it.
- The Complaint points out that Rep. Kiley's congressional committee uses some of the same vendors as the initiative committee. This is hardly surprising. These are among the leading direct mail suppliers and online contribution processors in California.
- The Complaint points out that Rep. Kiley and the committee have a few common donors. This is also unsurprising. The named donors have given to dozens of candidates across California and routinely give to California incumbents, regardless of party. The interest of large retailers in a retail theft initiative is obvious. And the vast majority of the initiative's disclosed donors have never given to Kiley.
- Rep. Kiley's in-kind contributions to the committee, in the form of petitions mailed to voters who requested them, have been reported as legally required. They currently total around one percent of the total funds raised by the committee. (Rep. Kiley gave the voters to whom he mailed petitions the opportunity to donate to his campaign to defray these costs.)

In sum, the Complaint provides no evidence that Representative Kiley established, finances, maintains or controls the ballot measure committee – nor could it, because this assertion is plainly false. It equates expressing opinions about public policy with having control of an organization that espouses the same opinions. It suggests that if two organizations use some of the same vendors, it can only be because one somehow controls the other, even if a significant percentage of Republican oriented candidates and organizations use those vendors. It suggests that if two organizations have a small overlap in donors, it can only be because one somehow controls the other, even if those donors also give to a significant portion of the state's elected officials.

I suggest that you give Ms. Ravel's complaint the complete lack of attention that it deserves.

Sincerely,



David Bauer, Treasurer



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

April 25, 2024

Ryan Williams  
[REDACTED]

**Re: Complaint No. COM-04112024-01214; Californians to Reduce Homelessness, Drug Addiction, and Theft, Kevin Kiley for Congress, Kevin Kiley**

Dear Ryan Williams:

This letter is in response to the sworn complaint you submitted to the Enforcement Division of the Fair Political Practices Commission regarding the above-named individual and committees. After a review of the complaint, it appears that the non-monetary contributions mentioned in the allegations have been properly disclosed. Additionally, under FPPC Regulation 18215(c)(18), a “contribution” does not apply to uncompensated internet activity by an individual supporting or opposing a candidate or measure. Pursuant to FPPC Regulation 18215.2, “internet activity” includes, but is not limited to, sending or forwarding electronic messages, social networking, providing a hyperlink to access another person’s website, blogging, creating or maintaining a website, and any other form of communication distributed over the internet. For these reasons, the Enforcement Division will not pursue an enforcement action in this matter. If you have any questions, please contact Shelby Pearce at [spearce@fppc.ca.gov](mailto:spearce@fppc.ca.gov).

Sincerely,

*James M. Lindsay*

James M. Lindsay  
Chief, Enforcement Division

JML: sp

cc: Kevin Kiley and Kevin Kiley for Congress] (via email: [REDACTED]), Californians to Reduce Homelessness, Drug Addiction, and Theft (via email: [fppc@bmhlaw.com](mailto:fppc@bmhlaw.com))