



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

RQ-2

May 27, 2024

DAVID BAUER, TREASURER
KEVIN KILEY FOR CONGRESS
9458 TREELAKE RD.
GRANITE BAY, CA 95746

Response Due Date
07/01/2024

IDENTIFICATION NUMBER: C00801985

REFERENCE: APRIL QUARTERLY REPORT (02/15/2024 - 03/31/2024)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 4 item(s):

1. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached).

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$3,300 per election. An authorized committee may not make a contribution(s) to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (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))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

Excessive contributions may be retained if, within 60 days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below.

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For reattributions, excessive contributions from individuals can be retained if, within 60 days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor; or (2) the committee reattributes by presumption the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if, within 60 days of receipt, the excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election; or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(1).

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters reattributing or redesignating the contributions in question.

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Refunds are reported on Line 20(a), (b), or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund, redesignate, and/or reattribute the excessive amount will be taken into consideration.

2. Schedule A of your report discloses one or more contributions received after the 2024 primary election that are designated for the 2024 primary. These contributions may only be accepted to the extent that the committee has net debts outstanding from the 2024 primary election. For more information on how to calculate net debts outstanding, please see page 30 of the Campaign Guide for Congressional Candidates and Committees, which is available online at <https://www.fec.gov/resources/cms-content/documents/candgui.pdf>. (11 CFR § 110.1(b)(3)(i))

A contribution is considered made when the contributor relinquishes control over the contribution. A contributor shall be considered to have relinquished control over the contribution when it is delivered to the candidate, when it is delivered to an authorized committee of the candidate, or to an agent of an authorized committee of the candidate. A contribution that is mailed to any of the aforementioned recipients will be considered made on the date of the postmark. Envelopes should be retained for the committee's records. (11 CFR § 110.1(b)(6))

If any contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If a contribution was made by the contributor before or on the date of the applicable election, please amend your report to indicate this using memo text, or provide this information in a Miscellaneous Document (Form 99 for electronic filers).

If a contribution exceeds the amount of net debts outstanding from the 2024 primary election, you may have to refund or redesignate the contribution.

The funds can be retained if, within 60 days of receipt, the excessive amount was properly redesignated for a different election. An excessive contribution is

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considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) the committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B))

If the foregoing conditions for redesignations are not met within 60 days of receipt, the excessive amount must be refunded. See 11 CFR § 103.3(b)(3).

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters redesignating the contributions in question. Refunds are reported on Line 20(a), (b) or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund or redesignate the excessive amount will be taken into consideration.

3. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions (to include loans, in-kind contributions, and advances) received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

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If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. For each contribution received by a joint fundraising representative and subsequently transferred to your committee, please ensure that your report discloses the original date of receipt of the contribution by the joint fundraising representative in a memo entry supporting the transfer. The entry for the transfer itself should show the date the contribution was transferred to your committee by the joint fundraising representative.

4. Schedule A of your report discloses contributions earmarked through a conduit but fails to disclose required information for the conduit(s).

Please be reminded that when a committee receives an earmarked contribution(s) through an allowable conduit, each individual contribution must be itemized when the individual's total contributions to your committee aggregate over \$200 per election cycle. This itemization must include the full name, address, occupation, and employer of the individual contributor along with the date the contribution(s) was received by the conduit. Any un-itemized contributions received through the conduit must be included in your totals on Line 11(a)(ii) of the Detailed Summary Page.

In addition, information regarding the conduit or intermediary for each contribution must be itemized on Schedule A as a memo entry. The conduit's full name and address (and occupation and employer if the conduit is an individual) must also be provided, along with the date the contribution(s) was received by your committee and the total amount of earmarked contributions received from the conduit.

Please amend your report to disclose the proper format for earmarked contributions received from a conduit or intermediary. Please clearly indicate which conduit memo entry corresponds to each earmarked contribution. You can refer to the FEC Campaign Guide for Congressional Candidates and Committees for further guidance on how to report earmarked contributions through a conduit (11 CFR § 110.6(c)(2))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will**

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not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RFAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1620.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Seiler".

Mary Seiler

Senior Campaign Finance Analyst

Apparent Excessive, Prohibited, and Impermissible Contributions
Kevin Kiley for Congress (C00801985)

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Cassidy, Lawrence	3/16/23	\$1,000.00	P2024
Cassidy, Lawrence	3/30/23	\$825.00	P2024
Cassidy, Lawrence	6/23/23	\$1,475.00	P2024
Cassidy, Lawrence	2/29/24	\$500.00	P2024
Cooley, Linda	12/11/23	\$175.00	G2024
Cooley, Linda	12/23/23	\$500.00	G2024
Cooley, Linda	2/29/24	\$1,000.00	G2024
Cooley, Linda	3/11/24	\$825.00	G2024
Cooley, Linda	3/31/24	\$1,000.00	G2024
Rauscher, Tim	6/9/23	\$50.00	G2024
Rauscher, Tim	9/11/23	\$1,650.00	G2024
Rauscher, Tim	3/11/24	\$1,650.00	G2024
Slavensky, Kerry	3/29/23	\$3,300.00	P2024
Slavensky, Kerry	2/28/24	\$1,000.00	P2024
Uhte, SueEllen	6/19/23	\$200.00	G2024
Uhte, SueEllen	12/18/23	\$1,650.00	G2024
Uhte, SueEllen	3/30/24	\$2,200.00	G2024
Van Diepen, Katherine	3/28/23	\$500.00	P2024
Van Diepen, Katherine	6/28/23	\$500.00	P2024
Van Diepen, Katherine	8/6/23	\$200.00	P2024
Van Diepen, Katherine	8/28/23	\$1,000.00	P2024
Van Diepen, Katherine	9/30/23	\$500.00	P2024
Van Diepen, Katherine	12/30/23	\$1,000.00	P2024
Van Diepen, Katherine	1/31/24	\$539.00	P2024
Van Diepen, Katherine	3/5/24	\$500.00	P2024

Missing 48-Hour Notices**Kevin Kiley for Congress (C00801985)**

Contributor Name	Date	Amount	Election
Carrillo, Leonard	2/23/24	\$2,941.17	P2024
Slavensky, Kerry	2/28/24	\$1,000.00	P2024
Johnston, Carl	2/29/24	\$1,000.00	G2024
Johnston, Judy	2/29/24	\$3,300.00	G2024
Johnston, Judy	2/29/24	\$2,800.00	P2024