



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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October 17, 2025

Max Kanin
427 North Canon Drive, Suite 214
Beverly Hills, CA 90210

Re: Your Request for Advice
Our File No. A-25-129

Dear Mr. Kanin:

This letter responds to your request for advice on behalf of Mr. Kip Mueller regarding the campaign finance provisions of the Political Reform Act (the “Act”).¹ Please note that we are only providing advice under the Act’s campaign provisions and not under provisions such as State Bar Rules.

Please note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

1. May Mr. Mueller use campaign funds to pay for legal fees incurred in defending against a California State Bar (“State Bar”) investigation into a complaint filed over his campaign materials and his statements made to journalists about his candidacy for the California State Senate?
2. May Mr. Mueller use campaign funds from his current campaign committee, Mueller for Attorney General 2034, to pay these legal fees rather than reopen his terminated campaign committee, Mueller for State Senate 2024?

CONCLUSION

1. Yes. The State Bar investigation arises directly out of his campaign for State Senate, the attorney fees and costs related to the investigation are directly related to a political purpose, and are an appropriate use of campaign funds.
2. Yes, because the State Bar investigation arises out of his 2024 candidacy for State Senate and is directly related to the activities of his Mueller for Attorney General 2034 that are consistent

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

with its primary objectives -electing him to this office – this is a permissible use of these campaign funds.

FACTS AS PRESENTED BY REQUESTER

Mr. Mueller was a candidate for the California State Senate in 2024, running to represent the 23rd State Senate District. He was a successful candidate in the March 2024 primary, but was unsuccessful in the November general election. His principal campaign committee was Mueller for Senate 2024 (FPPC ID: 1436686). He terminated Mueller for Senate 2024 on February 26, 2025.

Prior to doing so, he established a new campaign committee, Mueller for Attorney General 2034 (FPPC ID: 1479 133), and in accordance with campaign fund rules, Mr. Mueller transferred his remaining campaign funds from Mueller for Senate 2024 to Mueller for Attorney General 2034.

Mr. Mueller is currently a member of the California Bar and practices law as a plaintiff's side lawyer in discrimination, harassment, retaliation, wrongful termination, and whistleblower cases, as well as personal injury, wrongful death, and catastrophic injury cases. He also volunteers his time pro bono representing asylum seekers in immigration court.

During his campaign for the State Senate in 2024, supporters of Mr. Mueller's opponent accused him of lying about his work experience as a law clerk for the Department of Justice and a post-bar law clerk for the Santa Clara District Attorney's office. Specifically, they claimed that his campaign materials, including his campaign website biography section and other printed mailers and flyers that he sent to voters, as well as statements he made to local newspapers about his previous work in criminal prosecution constituted a violation of legal ethics rules.

On or around September 2024, on information and belief, some individuals filed a formal complaint against Mr. Mueller with the State Bar for allegedly violating the State Bar Ethics rules (the "Complaint"). None of the individuals who filed the Complaint was a current, former, or prospective client of Mr. Mueller, nor had they previously dealt with him in any legal capacity. Moreover, the individuals who filed the Complaint did not file on behalf of any individuals who were current, former, or prospective clients of Mr. Mueller or anyone who had previously dealt with him in a legal capacity. The legal basis of the Complaint was solely the content of Mr. Mueller's campaign materials and Mr. Mueller's statements that he made to local newspapers about his candidacy for the State Senate.

Mr. Mueller was not informed as to whether the State Bar would investigate these claims at the time that the Complaint was filed. However, on September 15, 2025, the California State Bar informed Mr. Mueller that they would be investigating the Complaint. Mr. Mueller then hired an attorney who specializes in bar defense actions to properly defend him against an investigation into the Complaint. Although the Complaint may not result in any disciplinary action, he has incurred legal fees as a result of the investigation. It is Mr. Mueller's understanding that a suspension could impact his eligibility for the office of Attorney General.

Mr. Mueller would like to use campaign funds to pay for the legal fees arising from the State Bar investigation into the Complaint. He does not wish to reopen Mueller for Senate 2024 and wishes to use current campaign funds from Mueller for Attorney General 2034

to pay his attorney.

ANALYSIS

In general, the Act's provisions restricting the "personal use" of campaign funds are designed to prevent candidates, elected officials, and others who control the expenditures of campaign funds from benefiting privately from their campaign activities. Section 89510 provides that "[a]ll contributions deposited into the campaign account shall be deemed to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding office." The general rule is that an expenditure of campaign funds must be reasonably related to a political, legislative or governmental purpose. However, where an expenditure of campaign funds confers a substantial personal benefit² on any individual or individuals with authority to approve the expenditure of campaign funds held by the committee, or is for professional services, in order to be within the lawful execution of the trust imposed by Section 89510 the expenditure must be *directly* related to a political, legislative, or governmental purpose. (Sections 89512.)

The payment of a candidate's attorney's fees of \$200 or more confers a substantial personal benefit on a candidate. Accordingly, the payment of attorney's fees with campaign funds is permitted only if the expenditure is directly related to a political, legislative, or government purpose. Section 89514 states that an expenditure for attorney's fees and other costs in connection with administrative, civil, or criminal litigation will meet this requirement when:

- The litigation is directly related to activities of a committee that are consistent with its primary objectives or
- Arises directly out of a committee's activities or candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action arising from an election contest or recount.

Mr. Muller states that his campaign materials and statements about his candidacy for the State Senate are the sole legal basis of the Complaint and State Bar investigation. Therefore, the investigation arises directly out of his activities as a candidate for elective state office, his expenditures for attorney's fees and costs for his defense are directly related to a political purpose and are a permissible use of campaign funds.

After determining that the expenditure is a permissible use of campaign funds, we examine more specifically whether Mr. Mueller may use campaign funds from his Mueller for Attorney General 2034 committee. We note that Mr. Mueller terminated his candidate-controlled committee, Mueller for Senate 2024, in February 2025, and only learned that the State Bar would investigate

² Section 89511(b)(3) defines "substantial personal benefit" as an expenditure of campaign funds which results in a direct personal benefit with a value of more than \$200 to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

the Complaint in September 2025. Additionally, Mr. Mueller has specifically limited his inquiry to the question of whether he may use campaign funds from his Mueller for Attorney General 2034 committee. Accordingly, we do not address the permissibility of reopening the previously terminated Mueller for Senate 2024 (see Section 84214 and Regulation 18401.1), or provisions establishing legal defense funds (see Sections 85304 and Regulation 18530.4).

In regard to the use of campaign funds from his Mueller for Attorney General 2034 committee, Section 89514 further establishes that it is permissible to pay for these costs with campaign funds from his Mueller for Attorney General 2034 committee, because the State Bar's investigation is directly related to activities of this committee and is consistent with its primary objective – Mr. Mueller's election to the office of Attorney General. Therefore, the payment of attorney's fees and costs is permissible from the Mueller for Attorney General 2034 campaign funds.

If you have other questions on this matter, please contact me at KHarrison@fppc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel

L. Karen Harrison

By: L. Karen Harrison
Senior Counsel, Legal Division

KH:aja