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COMMISSION

2014 MAY 21 PM 2:31

OFFICE OF GENERAL  
COUNSELBEFORE THE  
FEDERAL ELECTION COMMISSIONGeorge AlfanoRedlands, CA 92373

Complainant,

v.

Cal Voters for Honest Government  
8819 Whittier Blvd., Suite 105  
Pico Rivera, CA 90660MUR # 6828

Respondent.

## COMPLAINT

Complainant files this complaint under 2 U.S.C. § 437g(a)(1) against Cal Voters for Honest Government (“Cal Voters”) for multiple violations of the Federal Election Campaign Act, as described below.

## A. FACTS

Cal Voters is an independent expenditure-only political committee that is registered with the Federal Election Commission (the “Commission”). On February 19, 2014, it filed a statement of organization. On March 25, 2014, it filed an amended statement of organization in which it represented that it intends to raise funds in unlimited amounts and that it would not use those funds to make contributions or coordinated communications.

Cal Voters maintains a website that is located at the url [www.veteranjoebaca.com](http://www.veteranjoebaca.com). The heading at the top of the web browser reads “Joe Baca 31st Congressional Veteran” and the page contains a banner that reads “Vote Veteran Joe Baca for Congress.” Joe Baca is a former Member of Congress who is currently a candidate for Congress in California’s Thirty-First Congressional District. The website does not indicate who paid for it, but indicates that it is

copyrighted by Cal Voters in small print at the bottom of the screen. The website also contains a prominent button that says “\*\*\*CONTRIBUTE\*\*\* Send Joe Baca to the Top 100 of Congress. DONATE NOW” in the upper right-hand corner. Clicking on the button directs the viewer to an ActBlue page that states prominently “Veteran Joe Baca for Congress - Donations.”

Cal Voters appears to have paid for a billboard that expressly advocates for Baca’s election. Though the billboard does not indicate who paid for it, it contains the same banner that appears at the top of Cal Voters’s website. A photograph of the billboard is attached as Attachment A.

Cal Voters has also disseminated four different mail pieces that advocate for the election of Baca. Copies of these mailers are attached to the complaint as Attachments B through E. On information and belief, these mailers were disseminated on or before May 9, 2014.<sup>1</sup> All four mailers contained the disclaimer “PAID FOR BY: CAL VOTERS FOR HONEST GOVERNMENT. 8819 WHITTIER BLVD., SUITE 105. PICO RIVERA, CA 90660”; this disclaimer was not contained within a printed box. One of the mailers, attached as Attachment C, contains off-set text that purports to contain a personal message from Mr. Baca, in which Mr. Baca describes his qualifications for office.

According to the Commission’s website, Cal Voters has not yet filed any quarterly or monthly reports with the Commission, nor did it file 48-hour independent expenditure reports after disseminating the mailers.

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<sup>1</sup> On May 13, *Roll Call* published an article describing the mailers. Emily Cahn, *Super PAC Touts Joe Baca as ‘Reagan Fiscal Conservative,’* *Roll Call* (May 13, 2014), <http://atr.rollcall.com/super-pac-touts-joe-baca-as-reagan-fiscal-conservative/?dcz>.

**B. LEGAL ARGUMENT:****1. Cal Voters Has Violated the Act's Reporting Requirements**

The law requires that all political committees other than authorized committees file quarterly or monthly reports disclosing their receipts and disbursements. 2 U.S.C. § 434(a)(4). In addition, any person, including a political committee, that makes independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election must file a report describing the expenditures within 48 hours of the advertisement's public distribution. *Id.* § 434(g)(2).

Cal Voters filed a statement of organization on February 19 and, accordingly, was required to file a quarterly report on or before April 15. Moreover, Cal Voters has publicly disseminated four mailers. Assuming that the cost of these mailers exceeded \$10,000, and that they were conducted as independent expenditures,<sup>2</sup> Cal Voters would have been required to file independent expenditure reports. But as of the date of filing, Cal Voters has not complied with either requirement. Accordingly, Cal Voters has violated the Act's reporting requirements, and should be assessed the appropriate fines under the Commission's administrative fine program.

**2. Cal Voters Has Violated the Act's Disclaimer Requirements**

In addition, Cal Voters's communications violate the Act's Disclaimer Requirements. Any public communication or Internet website sponsored by a political committee that is not authorized by a candidate must contain a disclaimer that states the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and must state that the communication is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a)(3); 11 C.F.R. § 110.11(a). In addition, the

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<sup>2</sup> If, instead, the mailers were not conducted as independent expenditures, Cal Voters would have made illegal and excessive in-kind contributions to Joe Baca and his principal campaign committee, Friends of Joe Baca 2014.

disclaimer on any printed communication must “be contained in a printed box that is set apart from the other contents of the communication.” *Id.* § 441d(c)(2).

Cal Voters’s website, billboard, and mailers do not comply with these requirements. It’s billboard and website lack the required disclaimers altogether. And while Cal Voters’s mailers identified that they were paid for by Cal Voters and contained the PAC’s address, they did not contain a statement indicating that they were “not authorized by any candidate or candidate’s committee,” nor was the “paid for by” disclaimer contained within a printed box. Assuming, again, that the mailers were, in fact, conducted as independent expenditures, the disclaimers on the mailers were defective as well.<sup>3</sup>

### **3. Cal Voters’s Website Violates FEC Rules**

The Act prohibits an unauthorized committee from including in its name the name of any candidate. 2 U.S.C. § 432(e)(4). Commission rules and precedent provide further that an unauthorized committee may not include the name of a candidate in any special project, including a website, unless the title of the special project or other communication “clearly and unambiguously shows opposition to the named candidate.” 11 C.F.R. § 102.14(a), (b)(3); FEC AO 1995-09. The law also prohibits any person from fraudulently misrepresenting itself as speaking, writing, or otherwise acting or on behalf of any candidate for the purposes of soliciting contributions. 2 U.S.C. § 441h(b)(1).

Cal Voters’s websites violate these provisions. The [www.veteranjoebaca.com](http://www.veteranjoebaca.com) website contains the language Joe Baca 31st Congressional Veteran at the top of the page, as well as a banner that states “Vote Veteran Joe Baca for Congress.” In a recent MUR, three Commissioners noted that a website’s title is “the name that appear[s] at the top of the site.”

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<sup>3</sup> And if, instead, the mailers were not conducted as independent expenditures, the disclaimers were still defective; in that case, Cal Voters would have had to include a disclaimer on each mailer indicating that it was authorized by Joe Baca, and those disclaimers would have needed to be contained within a printed box.

Statement of Reasons of Commissioners Hunter, McGahn, and Petersen, MUR 6399, n.16 (June 23, 2011). Here, the name of the website incorporates a candidate name in violation of the rule.

In addition, the website is misleading and could trick Joe Baca's supporters into donating to the PAC, thinking that they were donating to Baca. The "Contribute" button on the page asks voters to "CONTRIBUTE \*\*\* Send Joe Baca to the Top 100 of Congress." The donate page states prominently "Veteran Joe Baca for Congress - Donations." And, adding to the potential for confusion, neither page contains the PAC's "paid for by" disclaimer or indicates that the page was "not authorized by a candidate or candidate's committee." Thus, the Commission should investigate whether Respondent has violated 2 U.S.C. § 441h.

#### **4. Cal Voters May Have Made an Illegal In-Kind Contribution to Baca**

Lastly, the Commission should investigate whether Cal Votes made illegal and excessive contributions to Joe Baca and Friends of Joe Baca 2014. It is illegal for anybody to contribute, and for any candidate to receive, contributions to candidates in excess of \$2,600 per election, 2 U.S.C. § 441a(a), and it is illegal for independent expenditure-only PACs to make any contributions to candidates. *See* FEC AO 2010-11. Under Commission rules, the financing of the dissemination, distribution, or republication, in whole or in part, of any materials prepared by a candidate, a candidate's authorized committee, or an agent of either is considered a contribution for purposes of the contribution limitations and reporting requirements of the person making the expenditure. 11 C.F.R. § 109.23.

As described above, one of the mailers contained offset text in the form of a letter from Joe Baca to the reader. If the text of this letter was taken from Joe Baca's campaign materials, Cal Voters would have made an illegal in-kind contribution to Joe Baca's campaign.

**C. REQUESTED ACTION**

As we have shown, Cal Voters has repeatedly violated the Federal Election Campaign Act. We respectfully request the Commission to investigate these violations, enjoin Cal Voters from further violations, and fine Cal Voters the maximum amount permitted by law.

Sincerely,

George Alfano

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

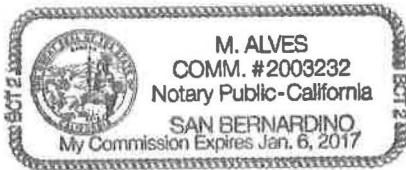
See Below  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

State of California  
County of San Bernardino ss.

Subscribed and sworn to (or affirmed) before me on this 16<sup>th</sup> day of MAY, 2014, by George Alfano proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

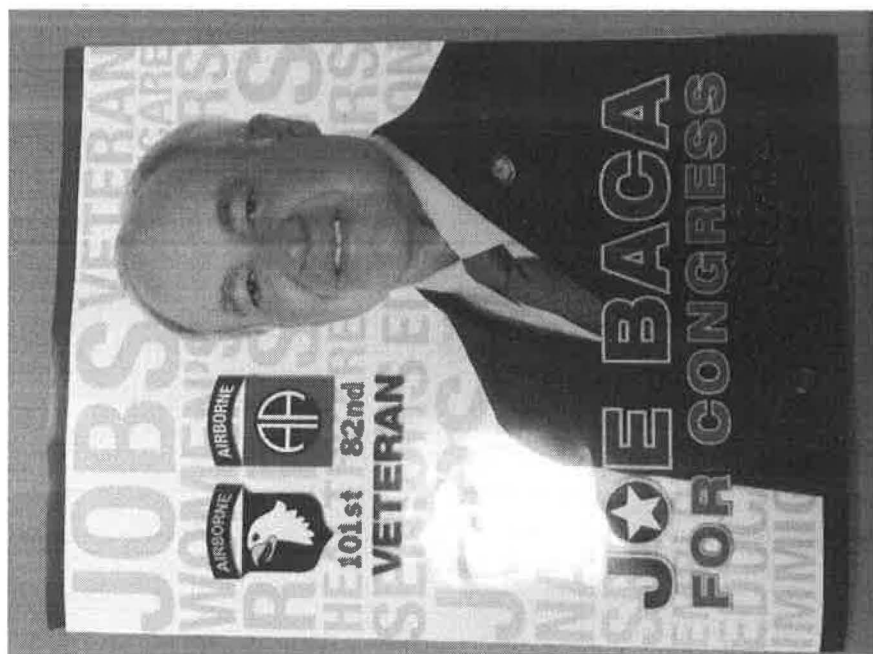
(seal) M. Alves  
Signature of Notary



**Attachment A**



Attachment B



**JOE BACA - PROVEN LEADERSHIP/REAL RESULTS!**

*While other candidates are just making promises...  
Congressman Baca has already brought millions to our area.*

**DELIVERING RESULTS**

COUNTY OF SAN BERNARDINO \$9.7 MILLION  
CITY OF RANCHO CUCAMONGA \$9.1 MILLION  
CITY OF SAN BERNARDINO \$85.5 MILLION  
CITY OF COLTON \$2.3 MILLION  
CITY OF FONTANA \$4 MILLION  
CITY OF ONTARIO \$1.7 MILLION  
CITY OF RIALTO \$23.6 MILLION

*Experience Matters!*

**JOE BACA  
FOR CONGRESS**

**OVER \$570 MILLION IN FEDERAL STIMULUS FOR THE INLAND EMPIRE  
PLUS OVER \$175 MILLION IN FEDERAL APPROPRIATIONS!!**



Elect "The People's Choice"

PAID FOR BY: CAL VOYERS FOR HONEST GOVERNMENT • 9875 SMITHER BLVD, SUITE 104 • FIDU AVENUE, CA 95020



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92373 FSS

# Join these great leaders in supporting JOE BACA for Congress!



**GRACE NAPOLITANO**  
Congresswoman



**TONY CARDENAS**  
Congressman



**TERRI A. SEWELL**  
Congresswoman



**G.K. BUTTERFIELD**  
Congressman



**SANFORD D. BISHOP, JR.**  
Congressman



**CRUZ BUSTAMANTE**  
Former Lt. Governor



**GRACE VARGAS**  
Rialto Mayor



**DEIRDRE BENNETT**  
Colton Councilwoman



**VIRGINIA MARQUEZ**  
San Bernardino Councilwoman



**GIL CEDILLO**  
Los Angeles Councilman



**DR. HILDA HERNANDEZ**  
Colton Councilwoman



**GRETA HODGES**  
President, Friends of Rialto Police K-9s

### FEDERAL LEADERS

Ben Bishop, Congressman  
 Bruce Braley, Congressman  
 Michael E. Caputo, Congressman  
 Andre Carson, Congressman  
 Steve Cohen, Congressman  
 William Lacy Clay, Congressman  
 Mike Doyle, Congressman  
 Jared Polis, Congressman  
 Richard E. Lamm, Congressman  
 Neil Kinnick, Congressman  
 Ed Perlmutter, Congressman  
 Jared Polis, Congressman  
 Mark Pocan, Congressman  
 Sherrif Reyes, Former Congressman  
 Gabe Rukhovich, Congressman  
 Bobby Rush, Congressman  
 Tim Ryan, Congressman  
 Cliff Schrock, Congressman  
 Jose E. Serrano, Congressman  
 Eliot L. Engel, Former Congressman  
 Mike Waters, Congressman

### LOCAL LEADERS

Steve Barlow, Councilman, Fontana  
 Anita Bialko, Councilwoman, Grand Haven  
 Bruce Vargas, Former Rialto Mayor  
 Ed Peters, Mayor, Rio Arriba, Rialto

Joe Baca, Jr., Councilman, Rialto  
 Steven O'Donnell, Councilman, Rialto  
 Agnes Hill, Councilwoman, Rialto  
 David King, Councilman, Colton  
 Frank Roberts, Councilman, Colton  
 Steve Smith, Councilman, Colton  
 Elmer Gomez, City Clerk, Colton  
 Jerry Rios, Former Colton City Councilman  
 Aurelio de la Sierra, City Treasurer, Colton  
 Harold Barrios, Councilman, San Bernardino  
 Dennis Barlow, Former San Bernardino Councilman  
 Frank Gonzalez, Former Colton Mayor/Councilman  
 Ed Herrera, Councilman, Silver Strand Member  
 Alan Ryan, Rialto Water Board Member  
 Benjamin Barajas, Former San Bernardino Police Chief  
 Ray Farnes, Former Rialto Mayor and Police Chief

### EDUCATION LEADERS

Paul Gomez, Chief of College Trustee  
 Jose Martinez, Former San Bernardino Community College District Trustee  
 Marco Cota, Board, San Bernardino Valley College  
 Agny Ramchandani, Colton Schools Superintendent  
 Dr. Frank Miranda, Colton Schools HR Director  
 Rosalind Casanova, Colton School Board Member  
 Frank Riano, Colton School Board Member  
 Fred Riano, Colton School Board Member  
 Phil Torres, Colton School Board Member  
 Mel Almas, Former Colton School Board Member

Laura Henderson, Colton Schools Board Member  
 Kristin Segurwitz Baruch, Colton School Board Member  
 Barbara Chavez, Fontana School Board Member  
 Leticia Garcia, Former Fontana School Board Member  
 Mike Mendola, Orange-Mentzer School Board Member  
 Julie Estrada, Orange-Mentzer School Board Member  
 Joe Ayala, Rialto School Board Vice President  
 Edgar Mendez, Rialto School Board Member  
 Nancy O'Rourke, Rialto School Board Member  
 Alyssa Medina, San Bernardino School Board Member  
 Dr. Elva Walker, Former San Bernardino School Board Member  
 Dr. John Kazianka, Former Rialto School Board Member  
 Willie Lopez, President, Rialto Black History Committee  
 Cy West, Professor, CSE San Bernardino  
 Clyde Williams, Professor, Rialto Faculty Assoc., San Bernardino Valley College

### COMMUNITY LEADERS

Max Laff, Colton Community Leader  
 Tony Saha, Colton Community Leader  
 John Carreira, Colton Community Leader  
 Gloria Walker, Colton Community Leader  
 Don Alvarez, Industrial Orange Shop  
 Tammy Marie Aples, Community Leader/Teacher  
 Laura & Frank "Shirley" Rodriguez, San Bernardino Family Community Leader  
 Gary Lewis, San Bernardino Community Development Leader  
 Lane Babson, Former Professional Football Player

...Councilman, Democratic Woman of San Bernardino County  
 Jackie Gomez, Interior Leader  
 John Amador, Workforce Trainer  
 Patricia de Santos, Fontana Education Leader  
 Pastor Chuck Singleton, Fontana Church  
 Pastor Herbert A. Williams, Fontana Church  
 Paul Vargas, Rialto Community Business Leader

### ORGANIZATIONS

- TEAMSTERS JOINT COUNCIL 42 International Brotherhood of Teamsters & Amalgamated Workers (IUL-CIO)
- California School Employees Association (United West Workers International Association)
- THE MONDRAGO BAND OF MEXICAN INDIANS

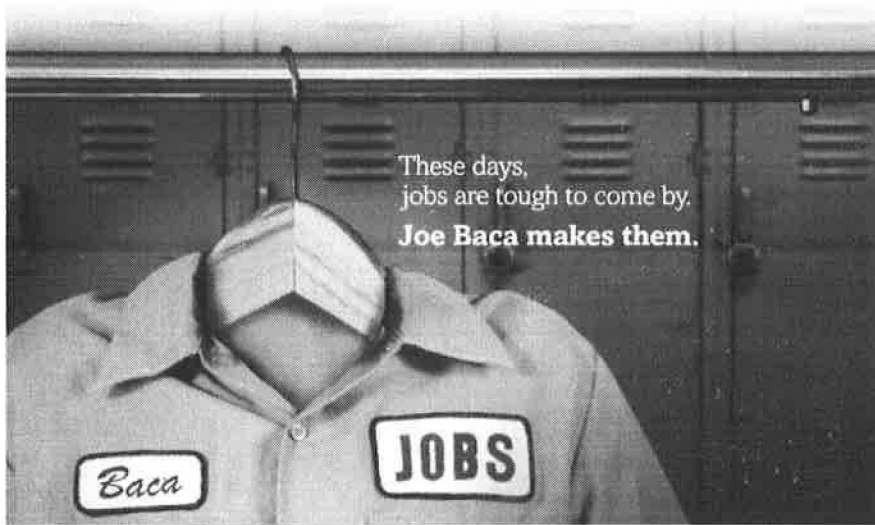
(Partial List)

Attachment C

Post Office  
California Post Office Government  
1815 S. Harbor Blvd., Suite 374  
Escondido, CA 92027

Postage Paid  
U.S. Postage  
PAID  
Permit No. 100  
Escondido, CA

\*\*\*\*\*CLIFF \*\*\*\*\*00930\*\*AG823  
[Redacted]  
[Redacted]  
[Redacted]



These days,  
jobs are tough to come by.  
**Joe Baca makes them.**



When Congressman **Joe Baca** helped create  
over 10,000 jobs here, it wasn't an accident.

**It was a beginning.**

"I've spent 15 years helping to create jobs here, and I know how desperately we need to  
keep raising more. The president's stimulus package wasn't perfect, but I supported it because  
such comprehensive action was the only way to start turning our economy around."

- Congressman Joe Baca

"I endorse Congressman Joe Baca because he's someone who actually knows how to create jobs,  
how to help small businesses grow, and what kind of tax cuts will make a difference for  
our middle-class families and our small businesses."

- Congresswoman Grace Napolitano

Congressman **Joe Baca** doesn't make excuses, he makes jobs!



VETERAN  
**JOE BACA**  
FOR CONGRESS

[www.veteranjobbaca.com](http://www.veteranjobbaca.com)

Elect "The People's Choice"  
Vote **JOE BACA** for Congress

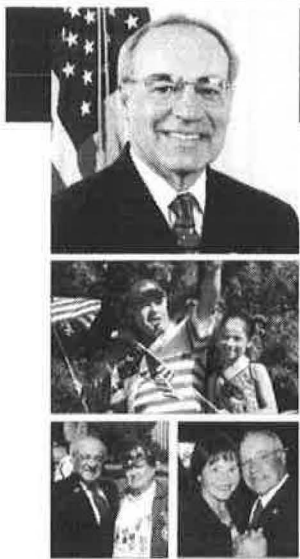


Attachment D



PAID FOR BY: CAL VOTING FOR HOUSE REPRESENTATIVE DISTRICTS AND STATE SENATOR RENEWAL CAMPAIGN

PSNET 576  
U.S. Postage  
EPA®  
Permit #802  
Santa Ana, CA



JOE BACA EXPERIENCED CONGRESSMAN  
A VETERAN FOR U.S. REPRESENTATIVE

JOE BACA'S HIGHLIGHTS AND QUALIFICATIONS

- Bachelor of Science Degree, Cal State University LA
- Veteran, US Army, 101st & 82nd Airborne Division, 1966-68
- Former CA Assemblyman, 62nd District, 1992 - 1998
- Former CA Senator, 32nd District, 1998 - 1999
- Former U.S. Congressman, 42nd & 43rd Districts, 1999 - 2013



“Congressman Joe Baca brought in over \$580 million to boost our economy, more than any other Congressman of the Inland Empire. I urge you to join me and other Republicans in voting our friend back to Congress.”

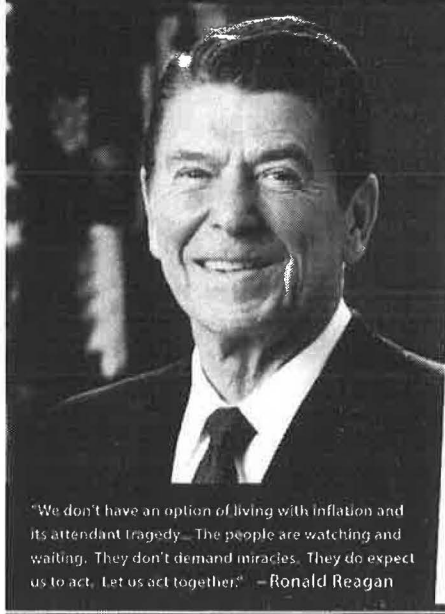
—Ruben Valencia  
Deputy Sheriff, Inland Empire 17-Year Resident



Vote JOE BACA for Congress - The best qualified candidate!

VETERAN • FAMILY VALUES • EXPERIENCED

JOE BACA A REAGAN FISCAL CONSERVATIVE FOR CONGRESS  
A VETERAN, FIGHTING FOR THE CITIZENS OF THE INLAND EMPIRE



“We don't have an option of living with inflation and its attendant tragedy. The people are watching and waiting. They don't demand miracles. They do expect us to act. Let us act together.” — Ronald Reagan

CONGRESSMAN  
JOE BACA  
FOR U.S. REPRESENTATIVE

Dear Fellow American,  
As a Veteran, your former Assemblyman, State Senator and Congressman. I have worked hard to improve the quality of life in our area.  
As your former Congressman, I brought over \$570 million in Stimulus monies and over \$175 million in Federal Appropriations dollars to the Inland Empire, this stimulated our region's economy, created thousands of good paying jobs and brought prosperity to our district.  
If elected, I will use my education and public service experience to help create more good paying jobs, build affordable homes and improve education for the families of the Inland Empire.  
I am the only candidate with the experience and proven track record to provide you with experienced and fiscally responsible representation in Washington.  
I respectfully request the honor of your vote for U.S. Representative of the 31st Congressional District.  
God Bless you and your Family,

Joe Baca  
Congressman  
Candidate, Congressional 31st District



