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**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

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April 15, 2019

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**MEMORANDUM**

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10 TO: The Commission

11 FROM: Charles Kitcher *CK/ms*  
12 Acting Associate General Counsel  
13 for Enforcement  
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15 Peter Blumberg *PB/ms*  
16 Acting Deputy Associate General Counsel  
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18 Mark Shonkwiler *MS*  
19 Assistant General Counsel  
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21 Ana J. Peña-Wallace *APW*  
22 Attorney  
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24 SUBJECT: MUR 6828 (Cal Voters for Honest Government)  
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26 RE: Circulation of Discovery Documents  
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31 On March 26, 2019, the Commission found reason to believe that Cal Voters for Honest  
32 Government and Johnny Diaz in his official capacity as treasurer (“Cal Voters”) failed to include  
33 proper disclaimers on a website and billboards and fraudulently solicited funds in violation of  
34 52 U.S.C. §§ 30120 and 30124(b).<sup>1</sup> The Commission also authorized compulsory process for the  
35 investigation.

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37 Attached for the Commission’s approval on a 48-hour no objection basis are six  
38 Subpoenas to Produce Documents and Orders to Submit Written Answers directed to the  
39 Respondents and the Respondents’ vendors: Bank of the West; billboard vendors, Lamar  
40 Advertising Company, Mentone Outdoor Advertising, General Outdoor Advertising/Rialto

<sup>1</sup> See Certification ¶ 2.a (Mar. 29, 2019).

1 Gateway Display, LLC;<sup>2</sup> and payment processing vendor, ActBlue. We identified the bank and  
2 billboard vendors from reports that Cal Voters filed with the Commission. We identified  
3 ActBlue from a screenshot we captured of the donation page linked to the website at issue in this  
4 matter, [www.veteranjoebaca.com](http://www.veteranjoebaca.com).

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6 Since Cal Voters only filed two quarterly reports with the Commission, the subpoena to  
7 them requests information regarding vendors that they may not have disclosed to the  
8 Commission, as well contribution and expenditure information. This information will allow us  
9 to investigate their activities with regard to the billboards and the possible fraudulent solicitation  
10 of contributions through their website.

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12 The bank subpoena seeks Cal Voters' bank account records in order to further assist us in  
13 identifying vendors the committee used in connection with the website and the billboards that  
14 may not have been previously disclosed to the Commission, determining date ranges for the  
15 vendors' services, the number and amounts of contributions that were obtained through the  
16 website, and the identity of contributors. The subpoena to ActBlue will provide us with  
17 information regarding who paid for their services to process payments from the  
18 [www.veteranjoebaca.com](http://www.veteranjoebaca.com) site, which would reveal who was behind the website. ActBlue  
19 records may also provide us with additional information concerning contributions received  
20 through the website.

21  
22 The subpoenas directed to the billboard vendors seek information regarding the identity  
23 of the person who paid for the billboards that were displayed without disclaimers, the amount  
24 paid to produce and display the advertisements, and any relevant documents concerning the  
25 advertisements. We reached out to the billboard vendors to determine whether they required  
26 receipt of a subpoena in order for them to release the information. Thus far, we have only heard  
27 back from one of the companies, Lamar Advertising Company, whose counsel has indicated a  
28 willingness to cooperate but has requested a subpoena.

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<sup>2</sup> General Outdoor Advertising and Rialto Gateway Display, LLC were listed separately on Cal Voters's independent expenditure reports filed with the Commission but we have determined that these companies are related entities.