



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 25, 2019

Via UPS Delivery

Troy Aykan, Esq.
Law Offices of Troy Aykan
406 E Vanderbilt Way
San Bernardino, CA 92408

RE: MUR 6828
Cal Voters for Honest Government and
Johnny Diaz, Jr., in his official capacity as
treasurer

Dear Mr. Aykan:

On April 4, 2019, you were notified that the Federal Election Commission (the "Commission") found reason to believe your clients, Cal Voters for Honest Government and Johnny Diaz, Jr., in his official capacity as treasurer, violated 52 U.S.C. §§ 30120 and 30124(b), provisions of the Federal Election Campaign Act of 1971, as amended.

On April 18, 2019, pursuant to its investigation of this matter, the Commission issued the attached Subpoena to Produce Documents and Order to Submit Written Answers requiring your clients to provide information that will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended.

Your clients are required to submit the information within 20 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (202) 694-1385 or by email at apena-wallace@fec.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Ana J. Peña-Wallace".

Ana J. Peña-Wallace
Attorney

Enclosure
Subpoena and Order

Cc: Johnny Diaz, Jr.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
Cal Voters for Honest Government)	MUR 6828
and Johnny Diaz, Jr. in his)	
official capacity as treasurer)	

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS


TO: Johnny Diaz, Jr., Treasurer
Cal Voters for Honest Government
c/o Troy Aykan, Esq.
Law Offices of Troy Aykan
406 E Vanderbilt Way
San Bernardino, CA 92408

Pursuant to 52 U.S.C. § 30107(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena.

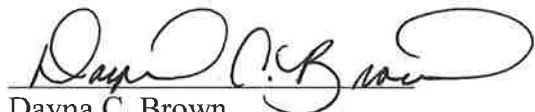
Such answers must be submitted under oath and must be forwarded to Ana Peña-Wallace, Office of the General Counsel, Federal Election Commission, 1050 First Street, N.E., Washington, D.C. 20463, along with the requested documents within 20 days of your receipt of this Order.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this 18th day of April 2019.

On behalf of the Commission,


Ellen L. Weintraub
Chair

ATTEST:


Dayna C. Brown
Secretary and Clerk of the Commission

Attachments
Instructions and Definitions
Questions and Document Requests

INSTRUCTIONS

1. In answering these questions and requests for production of documents, furnish all documents and other information, however obtained, including hearsay, that are in your possession, known by or otherwise available to you, including documents and information appearing in your records.
2. Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.
3. The response to each question propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.
4. If you cannot answer the following questions in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.
5. Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by the following interrogatories and subpoena for documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.
6. Mark each page with identification and consecutive document control numbers (*i.e.*, Bates numbers). Provide a master list showing the name of each person from whom responsive documents are submitted and the corresponding consecutive document control numbers used to identify that person's documents.
7. The following questions and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which, and the manner in which, such further or different information came to your attention.
8. All responses must be submitted under oath or affirmation under penalty of perjury, including any response that you have no responsive documents.

DEFINITIONS

1. For the purpose of this subpoena to produce documents, including the instructions thereto, the terms listed below are defined as follows:
2. "You" shall mean Cal Voters for Honest Government and Johnny Diaz, Jr. in his official capacity as treasurer.
3. "Person" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization, group or entity.
4. "Joe Baca" was a candidate for the U.S. House of Representatives in the 2014 primary election for California's 31st Congressional District.
5. "Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term "document" includes, but is not limited to, books, letters, electronic mail, social media postings, messages sent via Twitter, instant messages, text messages, contracts, notes, diaries, log books, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, financial records, calendar entries, appointment records, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. If the document request calls for a document that is maintained on or in a magnetic, optical, or electronic medium (for example, but not limited to, computer hard drive, USB drive, or CD-ROM), provide both "hard" (*i.e.*, paper) and "soft" (*i.e.*, in the magnetic or electronic medium) copies, including drafts, and identify the name (*e.g.*, Microsoft Word for Windows, WordPerfect) and version numbers of the software by which the document(s) will be most easily retrieved.
6. "Record" shall mean the original and all non-identical copies, including drafts, of all papers and documents of every type in your possession, custody, or control, or known by you to exist. The term "record" includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. The term "record" also includes electronic data, copies and all temporary and permanent storage devices under your control, including but not limited to, hard drives, servers, CD-ROMs, discs, jaz discs, zip disks, tape storage and tape back-up systems, CDs and optical back-up systems, electronic logs, e-mail and e-mail back-up systems. If a record is maintained on or in a magnetic or electronic medium (for example, but not limited to, computer tape, diskette, or CD-ROM), provide both "hard" (*i.e.*, paper) and "soft" (*i.e.*, in the

magnetic or electronic medium) copies, including drafts, and identify the name (e.g., ASCII data files, WordPerfect, Microsoft Word for Windows, Pro Write, etc.) and version numbers by which the records will be most easily retrieved.

7. "Identify" with respect to a document shall mean state the nature or type of document (*e.g.*, letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, and the number of pages comprising the document.
8. "Identify" with respect to a person shall mean state the full name, the most recent business and residential addresses and the corresponding telephone numbers, e-mail addresses, the present occupation or position of such person, the occupation or position of such person during the relevant time period, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.
9. "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for production of documents any documents and materials that may otherwise be construed to be out of their scope.
10. "Communication" shall be deemed to include both singular and plural, and to include written, oral, telephonic and electronic communications.
11. Unless otherwise indicated, these discovery requests shall refer to the time period from January 1, 2014, to the present time.

QUESTIONS AND DOCUMENT REQUESTS

1. Identify all vendors that you used for services in connection with Joe Baca's candidacy for Congress. In your response, provide the following:
 - a. Describe the nature of the services provided by each vendor;
 - b. Provide the dates and costs of such services.
2. State whether you paid to purchase, rent, lease, or otherwise display an advertisement on a billboard identified with "Lamar" in the state of California in 2014, bearing the statement: "Vote Veteran Joe Baca for Congress," as pictured in the enclosed attachment.
 - a. State the location of the billboard, the dates it was displayed and the amount paid for the billboard;

- b. Produce copies of any invoices, receipts, agreements, communications, and other documents regarding the advertisement described in Question 2, including, but not limited to, documents relating to the costs for rental of the billboard space or spaces, the production of the advertisement displayed on the spaces, and any other relevant documents relating to the advertisement.
3. State the total number of billboards you displayed during the 2014 election cycle, their locations, the dates they were displayed, the amount spent on each billboard, and the subject matter of the billboard.
 - a. Produce all invoices, statements, cancelled checks, credit card statements, and receipts reflecting disbursements made by you for the production and display of billboards identified in question 3 that mentioned Joe Baca, included a picture of Joe Baca, or mentioned or included a picture of Joe Baca's opponents in the election;
 - b. Produce photographic copies of all advertisements identified in Question 3 that that mentioned Joe Baca, included a picture of Joe Baca, or mentioned or included a picture of Joe Baca's opponents in the election.
4. State the total amount of contributions you received for the purpose of funding the billboards and identify each person who made a contribution(s) that exceeded \$200 for the purpose of funding the billboards.
 - a. Produce documents sufficient to show what contributions you received for the purpose of funding the billboards, including bank account statements cancelled checks, credit card statements, or receipts reflecting contributions received by you for the purpose of funding the billboards.
5. List all URL addresses for any websites and social media sites associated with you.
 - a. Identify all accounts, persons, website domain companies, and domain names associated with these sites, including, but not limited to, the account numbers, domain holders, registrants, account holders and persons responsible for maintaining or operating each site.
 - b. Identify all vendors whose services you used to collect or process contributions made through these sites.
 - c. Produce copies of the website pages as they appeared during the 2014 election cycle.
6. State whether you were associated with the websites known as "www.veteranjoebaca.com" or "www.joe-baca-31st-congressional-veteran.com."
 - a. Identify who created each website;

MUR 6828
Order and Subpoena to Cal Voters for Honest Government
Page 6 of 6

- b. Identify who operated each website;
 - c. State the total number of contributions received through each website;
 - d. List all disbursements made for operation or maintenance of each website.
 - e. Produce copies the website pages as they appeared during the 2014 election cycle.
7. State whether you have issued any refunds for contributions.
 - a. Identify persons who requested or were issued refunds;
 - b. Produce records, including but not limited to cancelled checks or bank statements, and any communications concerning those refunds.
8. Produce records of all expenditures you made in support of Joe Baca.
9. Identify all of the financial institutions, along with account numbers, where you maintained accounts.
10. State whether Joe Baca authorized you to use his name on billboards or websites.