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FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

MUR: 7673

DATE COMPLAINT FILED: December 17, 2019

DATE OF NOTIFICATION: December 26, 2019

LAST RESPONSE RECEIVED: January 27, 2020

DATE ACTIVATED: March 6, 2020

EXPIRATION OF SOL: 5/30/2024 – 6/30/2024

ELECTION CYCLE: 2020

15 **COMPLAINANT:**

James R. Thompson

16
17 **RESPONDENT:**

Raul Campillo for City Council District 7 2020 and
Taryn Vogel in her official capacity as treasurer

Raul Campillo

Joel Delgado Alvarez¹

Alejandro Campillo

Campillo Food Services, Inc.

Denny's Inc.

24
25 **RELEVANT STATUTES AND**
26 **REGULATIONS:**

52 U.S.C. § 30121

11 C.F.R. § 110.20

27
28 **INTERNAL REPORTS CHECKED:**

None

29
30 **FEDERAL AGENCIES CHECKED:**

None

31
32 **I. INTRODUCTION**

33 The Complaint alleges that Raul Campillo for City Council District 7 2020
34 (“Committee”), Campillo’s campaign committee for a seat on the San Diego City Council,
35 accepted \$200 in contributions from alleged foreign national Joel Delgado Alvarez (“Delgado”).²

¹ The Respondent, Jose Delgado, has a surname of Delgado Alvarez listed on his United States permanent residence card, however, his California driver’s license lists Delgado as his last name. Alejandro Campillo and Campillo Food Services Resp. at Ex. 4 (copy of U.S. Permanent Residence Card) and Ex 5 (copy of California driver’s license).

² Compl. at 1 (Dec. 17, 2019). The Complaint also alleges that Delgado may have been reimbursed by Campillo Food Services, Inc., Raul Campillo, or Alejandro Campillo for his contributions to the Committee.

1 Respondents assert that Delgado is a lawful permanent resident of the United States and,
2 therefore, permitted to donate to the Committee.³ In light of Respondents' assertion and the copy
3 of Delgado's permanent resident card provided by Respondents, we recommend that the
4 Commission find no reason to believe that Respondents violated 52 U.S.C. § 30121.

5 **II. FACTUAL AND LEGAL ANALYSIS**

6 The Committee disclosed accepting \$200 from Delgado, who is identified as an employee
7 at Denny's Inc. ("Denny's") on the Committee's disclosure reports.⁴ Complainant alleges that
8 Delgado made, and the Committee accepted, a foreign national contribution because Delgado's
9 Facebook account lists a location in Mexico as his current residence and the address listed on the
10 Committee's disclosure reports is a business address for a company that provides, among other
11 things, immigration services.⁵ Complainant further contends that Delgado does not appear to be
12 registered to vote in Imperial County, California.⁶

13 Respondents assert that Delgado is lawfully admitted for permanent residence in the
14 United States.⁷ In support, Respondents provided both a sworn affidavit from Delgado stating
15 that he became a lawful permanent resident in 1991 and a copy of Delgado's permanent resident

However, because the contributions were not made in connection with an election to federal office, the allegation that the contributions were made in the name of another is outside of the Commission's jurisdiction. 52 U.S.C. § 30122; *see also* 52 U.S.C. § 30101(8)(A).

³ Alejandro Campillo and Campillo Food Services Resp. at 2, Ex. 3 (Delgado Decl.) at 1, 3 (Jan. 9, 2020); Raul Campillo for City Council Resp. at 1, Exs. 1, 3 (Jan. 9, 2020).

⁴ Compl. at 1, Ex. A.

⁵ Compl. at 1.

⁶ Compl. at 2.

⁷ Alejandro Campillo and Campillo Food Services Resp. at 2, Ex. 3 (Delgado Decl.) at 1, 3; Raul Campillo for City Council Resp. at 1, Exs. 1, 3.

MUR 7673 (Raul Campillo for City Council District 7 2020, *et al.*)

First General Counsel's Report

Page 3 of 4

1 card.⁸ Delgado further asserts that the address listed on the disclosure reports is a mailbox he
2 uses.⁹

3 The Federal Election Campaign Act of 1971, as amended (“Act”), and Commission
4 regulations prohibit any “foreign national” from “directly or indirectly” making a contribution or
5 donation of money or any other thing of value, or an expenditure, independent expenditure, or
6 disbursement, in connection with a federal, state, or local election.¹⁰ The Act’s definition of
7 “foreign national” includes an individual who “is not a citizen of the United States or a national
8 of the United States . . . and who is not lawfully admitted for permanent residence[.]”¹¹

9 The Act further provides that no person shall knowingly solicit, accept, or receive a
10 prohibited foreign national contribution or donation.¹² The term “knowingly” is defined as
11 having “actual knowledge” that the source is a foreign national, or being aware of “facts that
12 would lead a reasonable person to conclude that there is a substantial probability that” or “facts
13 that would lead a reasonable person to inquire whether” the source is a foreign national.¹³

14 The available information demonstrates that Delgado is a lawful permanent resident, thus,
15 we recommend that the Commission find no reason to believe that Respondents violated 52
16 U.S.C. § 30121.

⁸ *Id.*

⁹ Alejandro Campillo and Campillo Food Services Resp. Ex. 3 (Delgado Decl.) at 1.

¹⁰ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b).

¹¹ 52 U.S.C. § 30121(b); 11 C.F.R. § 110.20(a)(3).

¹² 52 U.S.C. § 30121(a)(2).

¹³ 11 C.F.R. § 110.20(a)(4).

1 **III. RECOMMENDATIONS**

- 2 1. Find no reason to believe that Respondents violated 52 U.S.C. § 30121;
- 3 2. Approve the attached Factual and Legal Analysis; and
- 4 3. Close the file.

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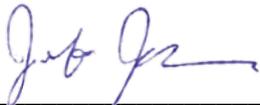
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel for Enforcement

06.02.20
Date



Stephen Gura
Deputy Associate General Counsel for Enforcement



Jeff S. Jordan
Assistant General Counsel



Kristina M. Portner
Attorney

32 Attachments:
33 Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

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3 **RESPONDENTS:** Raul Campillo for City Council District 7 2020 MUR 7673
4 and Taryn Vogel in her official capacity as treasurer,
5 Raul Campillo,
6 Joel Delgado Alvarez,
7 Alejandro Campillo,
8 Campillo Food Services, Inc., and
9 Denny's Inc.

10
11 **I. INTRODUCTION**

12 The Complaint alleges that Raul Campillo for City Council District 7 2020
13 (“Committee”), Campillo’s campaign committee for a seat on the San Diego City Council,
14 accepted \$200 in contributions from alleged foreign national Joel Delgado Alvarez (“Delgado”).¹
15 Respondents assert that Delgado is a lawful permanent resident of the United States and,
16 therefore, permitted to donate to the Committee.² In light of Respondents’ assertion and the
17 copy of Delgado’s permanent resident card provided by Respondents, the Commission finds no
18 reason to believe that Respondents violated 52 U.S.C. § 30121.

19 **II. FACTUAL AND LEGAL ANALYSIS**

20 The Committee disclosed accepting \$200 from Delgado, who is identified as an
21 employee at Denny’s Inc. (“Denny’s”) on the Committee’s disclosure reports.³ Complainant
22 alleges that Delgado made, and the Committee accepted, a foreign national contribution because
23 Delgado’s Facebook account lists a location in Mexico as his current residence and the address

¹ Compl. at 1 (Dec. 17, 2019). The Complaint also alleges that Delgado may have been reimbursed by Campillo Food Services, Inc., Raul Campillo, or Alejandro Campillo for his contributions to the Committee. However, because the contributions were not made in connection with an election to federal office, the allegation that the contributions were made in the name of another is outside of the Commission’s jurisdiction. 52 U.S.C. § 30122; *see also* 52 U.S.C. § 30101(8)(A).

² Alejandro Campillo and Campillo Food Services Resp. at 2, Ex. 3 (Delgado Decl.) at 1, 3 (Jan. 9, 2020); Raul Campillo for City Council Resp. at 1, Exs. 1, 3 (Jan. 9, 2020).

³ Compl. at 1, Ex. A.

1 listed on the Committee’s disclosure reports is a business address for a company that provides,
2 among other things, immigration services.⁴ Complainant further contends that Delgado does not
3 appear to be registered to vote in Imperial County, California.⁵

4 Respondents assert that Delgado is lawfully admitted for permanent residence in the
5 United States.⁶ In support, Respondents provided both a sworn affidavit from Delgado stating
6 that he became a lawful permanent resident in 1991 and a copy of Delgado’s permanent resident
7 card.⁷ Delgado further asserts that the address listed on the disclosure reports is a mailbox he
8 uses.⁸

9 The Federal Election Campaign Act of 1971, as amended (“Act”), and Commission
10 regulations prohibit any “foreign national” from “directly or indirectly” making a contribution or
11 donation of money or any other thing of value, or an expenditure, independent expenditure, or
12 disbursement, in connection with a federal, state, or local election.⁹ The Act’s definition of
13 “foreign national” includes an individual who “is not a citizen of the United States or a national
14 of the United States . . . and who is not lawfully admitted for permanent residence[.]”¹⁰

15 The Act further provides that no person shall knowingly solicit, accept, or receive a
16 prohibited foreign national contribution or donation.¹¹ The term “knowingly” is defined as

⁴ Compl. at 1.

⁵ Compl. at 2.

⁶ Alejandro Campillo and Campillo Food Services Resp. at 2, Ex. 3 (Delgado Decl.) at 1, 3; Raul Campillo for City Council Resp. at 1, Exs. 1, 3.

⁷ *Id.*

⁸ Alejandro Campillo and Campillo Food Services Resp. Ex. 3 (Delgado Decl.) at 1.

⁹ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b).

¹⁰ 52 U.S.C. § 30121(b); 11 C.F.R. § 110.20(a)(3).

¹¹ 52 U.S.C. § 30121(a)(2).

1 having “actual knowledge” that the source is a foreign national, or being aware of “facts that
2 would lead a reasonable person to conclude that there is a substantial probability that” or “facts
3 that would lead a reasonable person to inquire whether” the source is a foreign national.¹²

4 The available information demonstrates that Delgado is a lawful permanent resident.
5 Therefore, the Commission finds no reason to believe that Respondents violated 52 U.S.C.
6 § 30121.

¹² 11 C.F.R. § 110.20(a)(4).