

## FEDERAL ELECTION COMMISSION

In the matter of:

MUR#

7688

ANIBAL ACEVEDO-VILA, XYZ as  
ANIBAL ACEVEVO-VILA FOR  
RESIDENT COMMISSIONER  
CAMPAIGN COMMITTEE, and through its  
Treasurer John Doe, MEDIA POWER  
GROUP, INC. and its RADIO ISLA radio  
station.

*Respondents.*

COMPLAINT

1. Thomas Rivera-Schatz, President and on behalf of the New Progressive Party, by and through Counsel, bring this complaint pursuant to 52 U.S.C. 30109(a)(1) seeking an immediate investigation and enforcement action against Anibal Acevedo-Vila, his campaign committee and its treasurer (collectively "Respondents"), for direct and serious violations of the Federal Election Campaign Act of 1971, as amended ("FECA") and Federal Election Commission (the "FEC" or "Commission") regulations.
2. Pursuant to FECA, corporations are prohibited from making contributions to federal candidates, and federal candidates are prohibited from accepting corporate contributions.
3. This complaint involves flagrant violations of these prohibitions by a candidate for the United States Congress, Anibal Acevedo-Vila, and multiple corporations.



- The violations detailed in this complaint are worsened by Acevedo-Vila's and his campaign's attempts to hide them from the FEC, by failing to disclose reportable contributions and expenditures related to his daily campaign radio show that is financed by his corporate backers.

### **RESPONDENTS**

- Anibal Acevedo-Vila (or "Acevedo-Vila") is a federal candidate for the United States Congress as Resident Commissioner for Puerto Rico, running in the territorial Popular Democratic Party ("PPD", by its Spanish acronym) primary in Puerto Rico.
- From an FEC website search, there was no Campaign Committee filed as of today, January 23, 2020, for Anibal Acevedo-Vila for Resident Commissioner.
- John Doe as the treasurer of the Campaign Committee.
- Media Power Group, Inc. is a mass media corporation that, among other activities, provides syndication of radio programming. Media Power Group Inc. owns "Radio Isla" a territory-wide radio station.

### **FACTUAL BACKGROUND**

- On December 10, 2019, Anibal Acevedo-Vila announced his candidacy for Resident Commissioner.<sup>1</sup>

---

<sup>1</sup> Radio Isla, "Acevedo Vila makes himself available for Resident Commissioner", December 2020, <https://radioisla.tv/acevedo-vila-me-hago-disponible-para-la-comisaria-residente/>

"Former Puerto Rican governor launches surprise candidacy for Washington," Prensa Latina, December 11, 2019, <https://www.plenglish.com/index.php?o=rn&id=49828&SEO=former-puerto-rican-governor-launches-shock-candidacy-to-washington>



---

"San Juan, Dec 11 (Prensa Latina) Former Puerto Rican governor Anibal Acevedo Vila sparked surprise on launching his candidacy for non-voting resident commissioner in the United States House of Representatives, representing the opposition Popular Democratic Party (PPD).

The 57-year-old politician announced on his Facebook page on Tuesday that he was ready to aspire to the post on the PPD ballot, a position he held when he was 38.

Acevedo Vila stated in his almost nine-minute video message that this is the moment to go out to defend the dignity of Puerto Rico against the abuses to which the country has been subjected by the US, particularly Republican President Donald Trump.

'We have to be in Washington to fight,' the former governor said. Criticizing current resident commissioner Jenniffer Gonzalez Colon, of the New Progressive Party (PNP), he said that those who are supposed to defend Puerto Rico's dignity remain silent, turn a blind eye, or treacherously applaud Donald Trump.

He advocated for ending the colonial relationship that has prevailed for 121 years, after the United States militarily occupied Puerto Rico as a result of the Spanish-Cuban-American War.

Acevedo Vila referred to how Puerto Rico has been humiliated by the Trump administration, which has just deprived it of US\$340 million allocated to the Puerto Rico National Guard, in order to use this to build a wall on the border with Mexico.

'They have even banned cockfights, they have done so without consulting us,' stressed the former Puerto Rican governor regarding the measure that will take effect on December 20."

Aníbal Acevedo Vilá: "el futuro de Puerto Rico en gran medida se va a decidir en Washington" | El Nuevo Día

<https://www.elnuevodia.com/noticias/politica/nota/anibalacevedovilaelfuturodepuertoricoengranmedidasevaadecidirenwashington-2534388/>

Aníbal Acevedo Vila busca candidatura a Washington - YouTube

<https://www.youtube.com/watch?v=mIDqN7iczqs>



10. Anibal Acevedo-Vila filed his candidacy for Resident Commissioner at the Popular Democratic Party and Puerto Rico State Elections Commission on or before the Puerto Rico Election Code deadline of December 30, 2019.
11. As of today, the FEC has no reported Campaign Committee for Anibal Acevedo-Vila for Resident Commissioner.
12. The facts set forth in paragraphs 5, 9, and 10 above establish that Anibal Acevedo-Vila is a "candidate" for purposes of 52 U.S.C. 30101(2).
13. Anibal Acevedo-Vila is not new to FECA and FEC regulations. Anibal Acevedo-Vila was Resident Commissioner for Puerto Rico from 2001-2004. He then was Governor of Puerto Rico from 2005-2008.
14. On March 28, 2008, Anibal Acevedo-Vila was indicted by the United States for campaign finance violations.<sup>2</sup> Eleven (11) out of thirteen (13) of the accused pled guilty in the case. On March 20, 2009, Anibal Acevedo-Vila was found not guilty by a jury.

#### **Anibal Acevedo-Vila's Radio Show Promotes His Political Campaign**

15. Anibal Acevedo-Vila has a daily radio show in Radio Isla 1320 AM which is broadcast across the U.S. territory of Puerto Rico, Monday through Friday, from 8:00AM to 10:00AM.<sup>3</sup>

---

<sup>2</sup> Justice Department, U.S.A v. Anibal Acevedo Vilá, 2008 Indictment  
<https://www.justice.gov/archive/opa/pr/2008/March/crm-indictment-03272008.pdf>

<sup>3</sup> Radio Isla, Daily Radio Show, "Sobre la Mesa", Mondays through Fridays 8:00-10:00AM.  
Podcasts:  
<https://radioisla.tv/podcast-sobre-la-mesa-con-anibal-acevedo-vila/>



16. On information and belief, Anibal Acevedo-Vila is paid an undisclosed amount for said daily radio show.
17. Anibal Acevedo-Vila uses his daily radio show as a platform for his campaign for Congress, and to attack other candidates. Anibal Acevedo-Vila uses other radio shows in Radio Isla to promote his political campaign. <sup>4</sup>
18. On Tuesday, January 14, 2020, Anibal Acevedo-Vila used his daily radio show to move public opinion against a competing radio show host, Luis Davila-Colon. Davila-Colon had just made an aggressive analysis against the San Juan Mayor, Carmen "Yulin" Cruz and her policies that are very similar to Anibal Acevedo-Vila's. <sup>5</sup> Carmen "Yulin" Cruz is one of the Popular Democratic Party's candidates for Governor. She advocates Nationhood, Sovereignty for Puerto Rico separate and independent from the United States. Luis Davila-Colon is a published author and has been in a Puerto Rico radio analyst for decades. Davila-Colon is an advocate for Puerto Rico Statehood. Davila-Colon has one of the island's top rated political radio shows, and is one of the most severe critics against Anibal Acevedo-Vila and his Popular Democratic Party.

---

<sup>4</sup> Acevedo Vilá: "Hay que darse a respetar en Washington", January 11, 2020.

<https://radioisla.tv/acevedo-vila-hay-que-darse-respetar-en-washington/>

<sup>5</sup> Radio Isla, Tuesday, January 14, 2020, <https://radioisla.tv/acevedo-vila-arremete-contra-analista-politico-por-insultar-a-carmen-yulin/amp/#click=https://t.co/MIXcCgvXTx>

Aníbal Acevedo Vilá on Twitter: "Podcast del programa de hoy. En 1 parte explicó la gravedad de las expresiones de Dávila Colón por Univisión. Además el DMO explica lo que están haciendo post terremoto y respaldan la decisión de Carmen Yulín de mantener las fiestas de la SanSe. <https://t.co/XPkDr4qjva>" / Twitter

<https://twitter.com/anibalacevedo/status/1217118306978627585>



19. Anibal Acevedo-Vila used his Twitter account to file an informal complaint at Univision Radio (WKAQ), a competing radio station, against Luis Davila-Colon to censure his pro-Statehood Editorial.<sup>6</sup>

20. As a result, Univision Radio suspended Luis Davila-Colon for a week.<sup>7</sup>

21. Another example, in his January 16th, 2020 radio show, Anibal Acevedo-Vila used his daily radio show to launch a criticism campaign against the current Resident Commissioner, Jenniffer Gonzalez's performance and President Donald Trump's delay in signing a Presidential Disaster Declaration for Puerto Rico after continued earthquakes since December 28, 2019.<sup>8</sup> This type of campaign speech goes on a daily basis.

#### **Anibal Acevedo-Vila's Book and Territory Wide Tour is linked to his Campaign**

22. On November 19, 2019, Puerto Rico newspapers reported that Anibal Acevedo-Vila was launching a book on the territorial crisis Puerto Rico has been facing, and his

<sup>6</sup> Aníbal Acevedo Vilá on Twitter: "Diane Kniewski, @UnivisionCorp President and Regional General Manager @dianekniewski - Rosemary Mercedes Executive VP and Chief Communications Officer @mercedro in case you haven't been notified, here the video of your contractor @DAVILACOLON calling mayor @CarmenYulinCruz PERRA <https://t.co/4NIRTsi3nI>" / Twitter <https://twitter.com/anibalacevedo/status/1217140533337956352>

<sup>7</sup> WKAQ suspende a Luis Dávila Colón por comentario ofensivo contra Carmen Yulín Cruz | El Nuevo Día. Tuesday, January 14, 2020: <https://www.elnuevodia.com/entretenimiento/farandula/nota/wkaqsuspendealuisdavidacolnporcomentarioofensivocontracarmenyulincruz-2540823/>

<sup>8</sup> "Buenos días. Jueves y seguimos esperando por la declaración de desastre de Trump. Ahora en vivo SOBRE LA MESA. Gracias por su sintonía. Dale share."

<https://www.facebook.com/pages/category/Politician/acevedovila.net/posts/>

political proposals to solve said crisis. The book is titled "*Crisis en la agenda, agenda para la crisis*", or "Crisis on the agenda, agenda for the crisis".<sup>9</sup>

23. Anibal Acevedo-Vila's politically timed book was released less than two weeks before the Puerto Rico Election Code date for filing candidacies of December 1, 2019.<sup>10</sup>

24. Shortly after news of his forthcoming book was made public, Anibal Acevedo-Vila announced he was embarking on a tour across the island, where he would travel around different municipalities to meet with different political leaders, and talk with voters of his political proposals.

25. His book and political tour started with the book launch on November 21, 2019 at the Luis Muñoz Marín Foundation in the Municipality of Trujillo Alto, Puerto Rico together with the Popular Democratic Party leadership.<sup>11</sup>

26. His book and political tour launch included the Mayor of San Juan, Carmen "Yulín" Cruz, one of the Popular Democratic Party's candidates for Governor of Puerto Rico.<sup>12</sup>

27. On November 30, 2019, the book and political tour met in the southern city of Ponce with past candidate for Resident Commissioner, Rafael Cox-Alomar.<sup>13</sup>

<sup>9</sup> "Aníbal Acevedo Vilá publica nuevo libro", (Anibal Acevedo Vila publishes new book), Primera Hora, November 19, 2019. <https://www.primerahora.com/noticias/gobierno-politica/nota/anibalacevedovilapublicanuevolibro-1376865/>

<sup>10</sup> Article 8.011 of the Puerto Rico Election Code for the XXIst Century, Act 78-2011, as amended.

<sup>11</sup> Aníbal Acevedo Vilá publica libro sobre el Verano del 2019 | Gobierno | [elvocero.com](https://www.elvocero.com)  
[https://www.elvocero.com/gobierno/an-bal-acevedo-vil-publica-libro-sobre-el-verano-del/article\\_796ee5b8-0b05-11ea-b539-affc55cdd658.html](https://www.elvocero.com/gobierno/an-bal-acevedo-vil-publica-libro-sobre-el-verano-del/article_796ee5b8-0b05-11ea-b539-affc55cdd658.html)

<sup>12</sup> Aníbal Acevedo Vilá on Twitter: "Gracias a la alcaldesa Carmen Yulín por acompañarme hoy en la presentación de mi nuevo libro. <https://t.co/rtrzm17wlc>" / Twitter  
<https://twitter.com/anibalacevedo/status/1197687013278916610>

<sup>13</sup> Aníbal Acevedo Vilá on Twitter: "Nos vamos para Ponce. Este próximo jueves, presentación de mi nuevo libro, CRISIS EN LA AGENDA, AGENDA PARA LA CRISIS por parte del amigo

28. On December 10, 2019, the book and political tour met in the Capital City of San Juan.<sup>14</sup>

29. On December 12, 2019, the book and political tour met in the western city of Mayaguez.<sup>15</sup>

---

Rafael Cox Alomar. En la Librería El Candil, a las 6pm. Los espero allí. <https://t.co/rOOOjESzVq>" / Twitter

<https://twitter.com/anibalacevedo/status/1200909101485699073>

Aníbal Acevedo Vilá on Twitter: "Gracias a los amigos de @ElCandil\_Ponce, a Rafa Cox Alomar y a todos los que nos acompañaron hoy en la presentación de mi nuevo libro CRISIS EN LA AGENDA, AGENDA PARA LA CRISIS. <https://t.co/6eSXowEjeB>" / Twitter

<https://twitter.com/anibalacevedo/status/1202770357675077637>

<sup>14</sup> Aníbal Acevedo Vilá on Twitter: "Martes 10 de diciembre, 7:00pm - Librería AC, Ave. Ponce de León, Santurce - Presentación a cargo del Lcdo. y ex senador Ramón Luis Nieves Viernes 20 de diciembre, 7pm-Casa Norberto, Plaza Las Américas Recuerda q puedes adquirir el libro por internet en <https://t.co/reSmTOW5u4>" / Twitter

<https://twitter.com/anibalacevedo/status/1201692602342477830>

Aníbal Acevedo Vilá on Twitter: "Hoy, a las 7PM, presentación de mi nuevo libro CRISIS EN LA AGENDA, AGENDA PARA LA CRISIS, en Casa Norberto en Plaza Las Américas. Los espero. @casa\_norberto <https://t.co/LhnyDO9wxY>" / Twitter

<https://twitter.com/anibalacevedo/status/1208058495834177537>

<sup>15</sup> Aníbal Acevedo Vilá on Twitter: "PRÓXIMAS PRESENTACIONES DE MI NUEVO LIBRO: Martes 10 de diciembre, 7:00pm - Librería AC, Ave. Ponce de León, Santurce - Presentación a cargo del Lcdo. y ex senador Ramón Luis Nieves Jueves 12 de diciembre, 6:00pm - Mayaguez, Museo Pilar Defilló <https://t.co/W62cwN7B4f>" / Twitter

<https://twitter.com/anibalacevedo/status/1204153632838565889>

Aníbal Acevedo Vilá on Twitter: "Casa llena hoy en la presentación de mi libro en Mayagüez. Gracias al alcalde José Guillermo por la invitación. Y al alcalde Pedro García de Hormigueros y a todos los buenos amigos del oeste por su presencia. <https://t.co/vzehdr8LsV>" / Twitter

<https://twitter.com/anibalacevedo/status/1205291270727520257>

Aníbal Acevedo Vilá on Twitter: "Gracias al amigo y alcalde de Mayagüez, José Guillermo Rodríguez por recibirnos en la Sultana del Oeste para presentar mi nuevo libro y por sus expresiones de reconocimiento a nuestro trabajo. <https://t.co/AoyTazqo3T>" / Twitter

<https://twitter.com/anibalacevedo/status/1205572866034548736>



30. His book is available in Amazon for the rest of the Nation and the almost 6 million fellow Americans Puerto Rican descent in the states. <sup>16</sup>

31. In his book, Anibal Acevedo-Vila praises the overthrow of a constitutionally elected government during the Summer of 2019, criticizes the federally created Oversight Board under PROMESA, treats Puerto Rico as a "country" not a US Territory, proposes a \$15 minimum salary for workers of companies and businesses from the States, among other policies.

**Anibal Acevedo-Vila's Campaign Fails to Disclose Expenditures Related to His Campaign**

32. With all the aforementioned campaign related expenses tied to Anibal Acevedo-Vila's territory-wide tour promoting his campaign, and the promotion of his campaign on his paid daily show in Radio Isla, it does not appear Anibal Acevedo-Vila or his campaign for Resident Commissioner, has reported any of these expenditures on FEC forms.

33. Moreover, upon information and belief, it seems his corporate sponsors like Media Power Group, owner of the Radio Isla radio station, is providing an in-kind contribution to Anibal Acevedo-Vila's campaign for Congress.

**COUNT I**

**Media Power Group/ Radio Isla are NOT entitled to the Media Exemption and have provided a Corporate Contribution to Anibal Acevedo-Vila's Campaign**

34. Media Power Group and its Radio Isla radio station do not satisfy the requirements for FECA's "media exemption" to the definition of "expenditure." The FEC's General

---

<sup>16</sup> Aníbal Acevedo Vilá on Twitter: "Ya mi nuevo libro CRISIS EN LA AGENDA, AGENDA PARA LA CRISIS está disponible en edición digital (ebook). Lo pueden adquirir aquí <https://t.co/mJLNB6F5hl> <https://t.co/LV7xvQSskT>" / Twitter <https://twitter.com/anibalacevedo/status/1211711462911205382>

Counsel has explained that, “the media activity of a candidate host is held to a different standard than the media activity of a third-party host or commentator discussing or interviewing a candidate.”<sup>17</sup>

35. FECA provides that “[t]he term ‘expenditure’ does not include — (i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate.”<sup>18</sup>

36. The FEC conducts a two-step analysis to determine whether the media exemption applies.<sup>19</sup>

a. The FEC first determines whether the entity engaged in such activity is a press or media entity; then, the Commission applies the two-part test from Reader’s Digest Association v. FEC, 508 F. Supp. 1210 (DNY 1981).

b. In Reader’s Digest, the court explained that in order for a media entity’s activities to fall under the media exemption, the media entity must establish:

1. that it is not owned or controlled by a political party, political committee, or candidate; and
2. that it is acting as a media entity in conducting the activity at issue.

37. Media Power Group and Radio Isla fails both prongs of the media exemption analysis under Reader’s Digest. Accordingly, any spending by Media Power Group pertaining to Anibal Acevedo-Vila’s campaign (or, that is “campaign related”) constitutes an in-

---

<sup>17</sup> MUR 4689 (Doman). First General Counsel’s Report at I4 (August 4, 1999).

<sup>18</sup> 52 U.S.C. 30101 (9)(B)(i); 11 C.F.R. 100.73, 100.132.

<sup>19</sup> Advisory Opinion 2010-08 (Citizens United)



kind contribution to the campaign, and Radio Isla's payments in connection with the daily program broadcast is an in-kind contribution to Anibal Acevedo-Vila's campaign.

38. When determining whether a media entity is engaged in its legitimate press functions, the FEC has previously given consideration to whether the activity is comparable in form to the entity's usual media activity.

39. Where, as here, a radio show deviates from providing its ordinary news content and shifts its focus the serving as a personal campaign outlet for Anibal Acevedo-Vila, it no longer serves a legitimate news media function. In short, Power Media Group and Radio Isla are acting "in a manner atypical of a press entity."<sup>20</sup> Radio Isla does not exercise a legitimate news media function when a radio show is converted to a vehicle to promote Anibal Acevedo-Vila's purely private interests, namely, his candidacy.

40. Anibal Acevedo-Vila's use of Radio Isla's daily two (2) hours program to serve the interests of his campaign is akin to the sort of activity that the Reader's Digest v. FEC court explained was beyond the bounds of the media exemption. As the court wrote, "[i]f, for example, on Election Day a partisan newspaper hired an army of incognito

---

<sup>20</sup> MUR 6779 (Gilbert), First General Counsel's Report at 12 (Nov. 18, 2014) (explaining that "even if an entity is deemed to be a press entity, if it were to act in a manner atypical of a press entity in the way in which it engages in core electioneering activities, the media exemption will not shield that particular conduct."); MUR 4689 (Doman), First General Counsel's Report at 19 (Aug. 4, 1999) ("[T]he Commission has indicated the following determinate factors as to whether a press entity is acting as a press entity in performing its media function: 1) the extent to which the press entity retains control over the means of presentation of the candidate, 2) the manner in which the press entity utilizes campaign related material, and 3) whether the press entity takes affirmative steps to ensure that viewers do not conclude that the airing of the programs or material constitutes an endorsement by the network or syndicators of the candidate depicted."); MUR 7206 (Bonneville International Corp.), First General Counsel's Report at 7-8 (Aug. 3, 2017) ("coverage of [candidate] does not appear to have deviated in form from news that respondents ordinarily provide. These respondent media entities state that they exercised their independent editorial judgment in determining what is newsworthy.")



*propaganda distributors to stand on street corners denouncing allegedly illegal acts of a candidate and sent sound trucks through the streets blaming the same denunciations, in a manner unrelated to the sale of its newspapers, this activity would not come within the press exemption.” Reader’s Digest v. FEC*

41. Despite failing to qualify for the media exemption, Media Power Group continues to syndicate Radio Isla and subsidize Anibal Acevedo-Vila’s promotion of his candidacy and island wide campaign across Puerto Rico.
42. By paying for Anibal Acevedo-Vila’s platform to advance his political campaign, Media Power Group is providing a prohibited corporate contribution to Anibal Acevedo-Vila’s campaign.
43. Corporations are prohibited from making direct contributions to candidates for federal office.<sup>21</sup> And candidates for federal office are prohibited from accepting any corporate contributions.<sup>22</sup> A contribution is “any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value” provided to a political committee in connection with any federal election.<sup>23</sup> Contributions also include any in-kind contribution, such as goods or services provided without charge or at a charge that is less than the usual and normal charge for such goods and services.<sup>24</sup>
44. “[A]ctivity personally orchestrated or controlled by the candidate is campaign related.”<sup>25</sup> Moreover, it is readily apparent from the radio shows themselves that no

---

<sup>21</sup> 52 UC 30118(a), 11 CFR 114.2.

<sup>22</sup> 52 USC 30118(a).

<sup>23</sup> 52 USC 30118(b)(2) and 30101(8)(a), 11 CFR 114.1(a)(a1).

<sup>24</sup> 11 CFR 100.52(d)(1)

<sup>25</sup> MUR 4689 (Dornan), First General Counsel’s Report at 13 (August 4, 1999).



steps have been taken by Media Power Group and Radio Isla to prevent Anibal Acevedo-Vila from engaging in election related activity in his show. Accordingly, Media Power Group and Radio Isla have provided Anibal Acevedo-Vila with free campaign advertising time.

45. Since Anibal Acevedo-Vila is a candidate for Congress, his Radio Isla daily two (2) hours radio show is basically a campaign commercial for Acevedo-Vila in which he promotes his own candidacy and criticizes the other candidates for the office, in particular the current Resident Commissioner, who is running for re-election. This is beyond the program's "legitimate media function". For this reason, Radio Isla is also not eligible for the media exemption. In addition, Media Power Group makes a prohibited corporate contribution every time it expends corporate funds to distribute Anibal Acevedo-Vila's non-exempt program.

46. In two Advisory Opinions issued in 1992, "the Commission conditioned its approval of candidates appearing in or hosting radio shows and broadcasts on the assurance that they would be: 1) issue-oriented, 2) devoid of campaign related material or content and, 3) committed the refraining from attacks on opponents".<sup>26</sup> Anibal Acevedo-Vila's radio show does not satisfy these conditions.

47. Additional, investigation is further warranted to determine if impermissible corporate contributions are also being provided by advertisers on the campaign related shows hosted by Anibal Acevedo-Vila.<sup>27</sup>

---

<sup>26</sup> Advisory Opinions 1992-05 and 1992-37).

<sup>27</sup> Advisory Opinion 1990-05 (Mueller) ("In addition, payments for advertising space in campaign-related newsletters would be contributions to the campaign and, if made from a corporate source, would be prohibited.").



**COUNT II****Anibal Acevedo-Vila's Territory-Statewide Tour is Inextricably Linked to His Campaign, and His Book funding is a Corporate Contribution to Anibal Acevedo-Vila's Campaign**

48. Here, the facts indicate that Anibal Acevedo-Vila's corporate-funded territory-statewide tour, during the last weeks of November and December prior to Puerto Rico Election Law candidacy filing dates, served as a series of campaign events. Acevedo-Vila admits that the purpose of this book tour is to discuss his political proposals, to advocate his candidacy and discuss his politics with the voters of Puerto Rico.

49. In determining whether specific activity is bona fide commercial activity, the FEC considers several factors including whether the activity is engaged in by the vendor for genuinely commercial purposes and not for the purpose of influencing an election.<sup>28</sup>

50. Moreover, Anibal Acevedo-Vila's "book tour" is targeted directly at the relevant electorate, Puerto Rico voters. This is in direct contrast to previous Advisory Opinions where the FEC has found the commercial activity exception applies to activity that only incidentally reaches the relevant electorate.

51. The FEC has an obligation to investigate and determine whether the book tour and its editorial Company is providing impermissible corporate contributions to Anibal Acevedo-Vila's campaign for Congress as Resident Commissioner.

**COUNT III**

---

<sup>28</sup> Advisory Opinion 2014-06 (Ryan).



**Anibal Acevedo-Vila's Campaign Failed to Report Expenditures Related to  
Acevedo-Vila's Daily Radio Show [and to his Statewide Book tour]  
Promoting his Campaign**

52. Anibal Acevedo-Vila and his campaign are required to report all campaign expenditures and contributions on FEC Form 3, filed at the end of each quarter.<sup>29</sup>
53. Contributions and expenditures related to these campaign activities must be reported, whether impermissibly received from or paid by a corporation or other source.
54. Failure of Anibal Acevedo-Vila's campaign to report corporate contributions must amount to a willful violation of FECA's reporting requirements.

**CONCLUSION**

WHEREFORE, Respondent Anibal Acevedo-Vila and his campaigns' failure to comply with FECA and appropriate FEC regulations warrants investigation by the FEC.

WHEREFORE, corporate Respondents' apparent contributions to Anibal Acevedo-Vila's campaign, prohibited under FECA also warrant investigation.

THEREFORE, Complainant respectfully requests that the FEC provide the following relief:

1. Conduct an investigation into the allegations raised against Respondents;
2. Declare that Respondents have violated the FECA and applicable FEC regulations;
3. Order Respondents correct these violations;
4. Impose appropriate sanctions to these violations;
5. If necessary, bring action in federal court to ensure these violations are punished; and

---

<sup>29</sup> 52 USC 30104.



6. Take all other necessary and appropriate action as warranted by these violations, including referring this matter to the Department of Justice for criminal prosecution.

\_\_\_\_\_  
ON BEHALF OF COMPLAINANTS  
Thomas Rivera-Schatz  
P.O. Box 16580  
San Juan, Puerto Rico 00908-6580


**VERIFICATION**

Thomas Rivera-Schatz hereby verifies that the statements made in the foregoing Complaint are, upon information and belief, true as presented. Sworn pursuant to 11 C.F.R 111.4 and 18 U.S.C. 1001.

  
\_\_\_\_\_  
Thomas Rivera-Schatz

AFFIDAVIT NUM: 401

SWORN AND SUSCRIBED before me by Thomas Rivera-Schatz, and whom I know personally, in San Juan, Puerto Rico, today, 23 day of January 2020.

  
\_\_\_\_\_  
NOTARY PUBLIC

