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 by Kathryn Ross
 Date: 2020.03.20
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Israel G. Torres
 James E. Barton II
 Jacqueline M. Soto

March 20, 2020

Via Email

Jeff S. Jordan
 Assistant General Counsel
 Federal Election Commission
 Office of Complaints Examination
 and Legal Administration
 Attn: Kathryn Ross, Paralegal
 1050 First Street, NE
 Washington, DC 20463
CELA@fec.gov

Re: Response to MUR 7712 (Valdovinos)

Mr. Jordan:

Torres Law Group, PLLC represents respondent Antonio Valdovinos (the “Respondent”) in this matter. This letter is in response to the correspondence from the Commission Mr. Valdovinos received on March 5, 2020. Respondent urges the Commission to find no reason to believe any election law has been violated.

As a threshold matter, Respondent notes that letter from Richard Turner, which was notarized on February 25, 2020 and apparently received by the Commission on March 2, provides almost no substance. It tags three individuals with the racist slur “illegal alien,” and names their occupations. It then attaches a statement from Commission Chair Ellen Weintraub and a news story, with no commentary. The “complaint” boils down to Richard Turner writing to the FEC, “Please ask Antonio Valdovinos, based on his immigration status, if he has ever violated 52 U.S.C. § 30121(a).” Such open-ended questioning raises serious due process concerns, and for that reason alone the Commission should refuse to proceed with the complaint.

In fact, Mr. Valdovinos has never violated 52 U.S.C. § 30121(a). The law provides that “[i]t shall be unlawful for--

- (1) a foreign national, directly or indirectly, to make--
- (A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;

- (B) a contribution or donation to a committee of a political party; or
- (C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 30104(f)(3) of this title); or

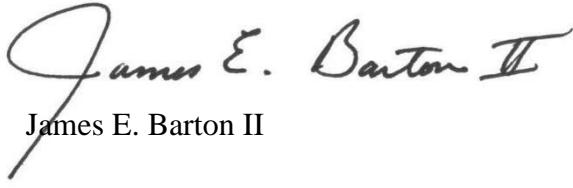
(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.

Mr. Valdovinos is the owner and chief executive officer of La Machine. La Machine serves as a vendor for political campaigns. It performs field work that the campaigns pay for it to perform. In campaign finance terms, it is a campaign expense. The service La Machine provides as a third-party vendor is not a contribution to the campaign. An expense is not a contribution—something that seems to have eluded the Complainant.

As a final note, Anita Snow writes in her story, “[Valdovinos] now runs a firm helping elect Arizona candidates.” Again, his firm helps them in exchange for the fair market value of its services. This is not a contribution. Nor does La Machine, in carrying out the work for which it was contracted to perform, direct spending or participate in the decision-making process of its clients. *See Declaration of Antonio Valdovinos*, attached.

Conclusion. The Commission should find no reason to believe there was a violation of law as alleged in the Complaint. No action should be taken against Antonio Valdovinos.

Respectfully submitted,



James E. Barton II

DECLARATION OF ANTONIO VALDOVINOS

Antonio Valdovinos declares as follows:

1. I am over eighteen years of age, and have direct knowledge of all statements declared to herein.
2. I swear that the facts contained in the Response to MUR #7712, submitted on March 20, 2020, are true and correct.
3. At no time have I provided free field work, or another other service that would amount to an in-kind contribution, in an effort to influence any State, Federal or local election.
4. La Machine is a third-party vendor that provides a service to campaigns. It does not directly or indirectly make distributions in support of independent expenditures nor electioneering communications—although La Machine’s work may itself be an expense reported as an independent expenditure.
5. I do not serve on campaigns or committees, those that employ La Machine nor any others, as a participant in the decision-making process of the campaign or committee’s election-related activities.

I swear the above is true and correct under penalty of perjury.



Antonio Valdovinos



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

FAX 202-219-3923

AR/MUR/RR/P-MUR# 7712

Name of Counsel: James E. Barton II

Firm: Torres Law Group

Address: 2239 W. Baseline Rd
#8 Tempe AZ 85283

Office#: (480) 588-6120 Fax#: (602) 262-8889

Mobile#: (602) 616-0535

E-mail: james@the-torres-firm.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3/13/20

Date

(Signature - Respondent/Agent/Treasurer)

CEO

Title

Antonio Valdovinos DeLamora

(Name - Please Print)

RESPONDENT:

LaMachine Field Operations LLC

(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address:
(Please Print)

290 E Roosevelt Rd Phoenix AZ
85007

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: antonio.valdovinos@lamachine.com

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.