

BEFORE THE FEDERAL ELECTION COMMISSION

<p>BRONX UNITED</p> <p>Brooklyn, NY 11238</p> <p>v.</p> <p>REV RUBEN DIAZ FOR CONGRESS (FEC# C00701862) PO Box 229, Bronx, NY 10460</p>	<p>MUR No. <u>7747</u></p>
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COMPLAINT

Bronx United (“Claimant”) hereby submits this Complaint to request that the Federal Election Commission (the “FEC”) investigate New York City Council Member Rubén Díaz, Sr. in connection with his violations of Federal Election Campaign Act, 52 U.S.C. § 30101 *et seq.* (“FECA”). Upon information and belief, Mr. Diaz knowingly accepted illegal corporate contributions in violation of Section 30118 of FECA.

FACTS

1. Mr. Diaz Sr. has long demonstrated a wanton disregard for ethics laws and rules, and Claimant has reason to believe that Mr. Diaz and his committee, Rev Ruben Diaz for Congress, have continued this trend in his campaign to represent New York’s 15th Congressional District (“NY15”).

2. In 2018, Mr. Díaz Sr. was the [subject](#) of an investigation by the New York City Council Committee on Standards and Ethics (the “Ethics Committee”) for ethics violations in connection with his use of a government email address for political and campaign-related purposes. While that investigation concluded that Mr. Diaz Sr. had [indeed](#) violated the Council’s ethics rules, at the time Mr. Díaz Sr. was unremorseful and defiant, stating to the [New York Daily News](#):

“I did that in the Senate for 16 years, never in the Senate I had problems, and now they are telling me you cannot use it. I will continue to use it, I never use it for

political reasons, never use it to ask for money, never use it to ask to endorse someone.”

3. Nevertheless, Mr. Díaz Sr. ultimately agreed to move the challenged emails to his private mail, and the Ethics Committee dropped the investigation.

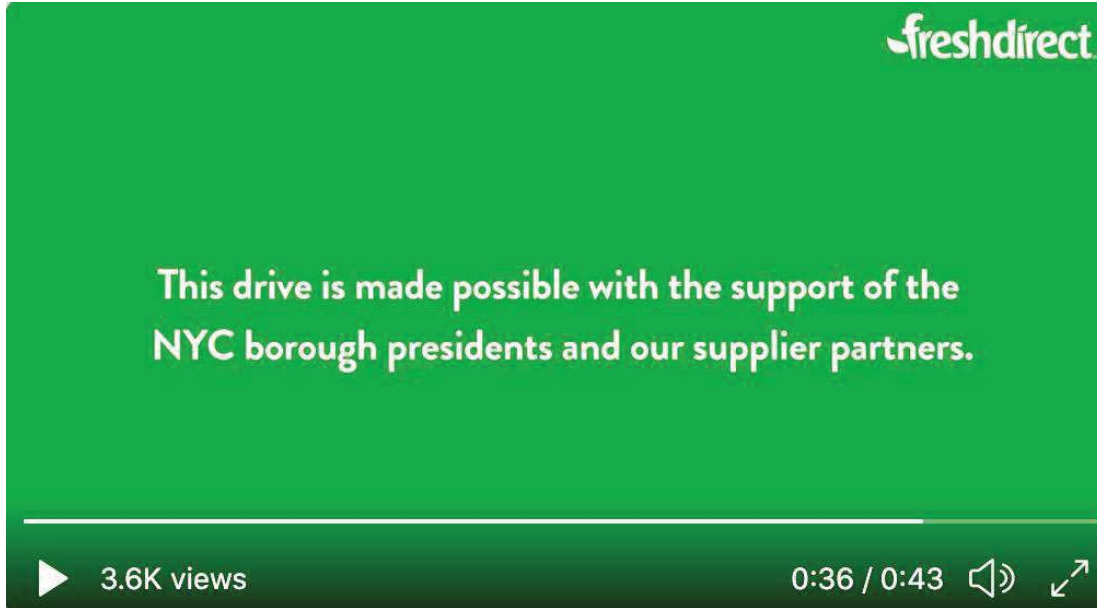
4. In 2019, Mr. Diaz Sr. was again the subject of an investigation by the Ethics Committee for violating the Council’s policies against discrimination and harassment after making remarks that the “homosexual community” controlled the New York City Council. Several of Mr. Diaz Sr.’s fellow Councilmembers requested that he resign. Mr. Diaz Sr. refused to resign or apologize and has been serving the remainder of his term.

5. Mr. Diaz Sr. now seeks higher office, running for a seat in the United States Congress. Unfortunately, Mr. Díaz Sr. has also graduated to blatant campaign finance abuse. Upon information and belief, Mr. Diaz Sr. is *again* using government resources to support campaign-related purposes, accepting illegal corporate contributions, and blurring the line between official government business and serving his own election efforts. The factual basis for Mr. Diaz Sr.’s FECA violations is further detailed below.

6. **Fresh Direct has been donating meals to New York City government, elected officials, and community groups to help with COVID-19 relief. Examples:**

(Source: [Twitter](#))





(Source: Twitter)



(Source: [Twitter](#))



(Source: [Twitter](#))



7. Mr. Díaz Sr. has been attending and hosting government events outside of his own Council District but inside NY15 – where he is running for office and where Fresh Direct meals are being given away.

a. The following events are outside of the Council District with elected officials who are not running for office in 2020.



[This [event](#) at 800 E. 156 Street, Bronx NY is located in Rafael Salamanca's 17th Council District. Source: [Twitter](#)]

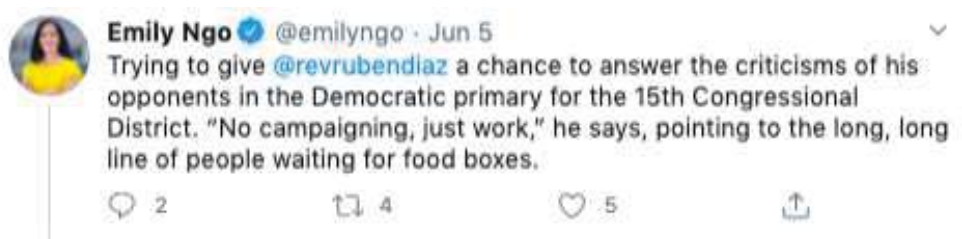


[This [event](#) was across the street from 947 E 180th St, Bronx, NY is located Rafael Salamanca's 17th Council District. Source: [Twitter](#)]



[This [event](#) located at 525 Jackson Avenue, Bronx, NY is located in Diana Ayala's 8th Council District. Source: [Twitter](#)]

8. When Mr. Díaz Sr. was asked on June 5, 2020 by NY1 to answer questions at an event being held at 947 E 180th St, Bronx, Mr. Diaz Sr. responded that he was not campaigning, even though he was outside of his Council District but inside NY15.



[Source: [Twitter](#)]

9. However, at the June 5 event where Mr. Diaz Sr. declined to say he was campaigning, not only was he outside his Council District, but he was also joined by other candidates for office as well as a staffer who was featured in a campaign video.



¹ **Top Right:** Fresh Direct food for distribution.

Bottom Left: Purple shirt, Wanda Negron, Candidate for Civil Judge; Light blue shirt Sgt John Perez, Candidate for State Senate.

Bottom Right: Oswald Denis, center in the white coat, staffs Díaz at campaign events and was [featured](#) in campaign video. He is not cited as a staffer in New York City databases.

LEGAL BASIS

52 U.S.C. § 301118 prohibits federal candidates from soliciting or accepting contributions from any corporation in any amount. Furthermore, 52 U.S.C. § 30104 requires each treasurer of a political committee to disclose and file reports of disbursements made by the committee in the course of seeking election to the House of Representatives.

CONCLUSION

Mr. Diaz Sr. (i) is participating in government events outside of his Council District but inside of the Congressional district for which he is running for office; (ii) during these events, is giving away donations provided by Fresh Direct, which such donations have not been declared as expenditures or properly contributed as donations for campaign use; and (iii) knowingly failed to disclose any contributions by Fresh Direct and is not paying on his FEC report for such contributions. Mr. Diaz Sr.'s assertions that these events are not campaign events is unavailing. It is unfathomable how Mr. Diaz Sr. could be conducting official business rather than campaigning at events which take place outside of the New York City District he currently represents but within the Congressional District for which he is seeking election. Moreover, even if campaigning were not the primary purpose of these events, that does not cleanse the impropriety and illegality of Mr. Diaz Sr. receiving and accepting undisclosed corporate contributions provided by Fresh Direct and using such contributions to elicit favor with his potential voters.

It is thus a reasonable and, in fact, inescapable conclusion that Mr. Díaz Sr. is utilizing government events, where the primary purpose is to give away donations provided by Fresh Direct, in a clandestine attempt to campaign outside of his Council District by leveraging unreported in-kind corporate contributions. Therefore, Mr. Diaz Sr. has committed two violations of Section 30118 of FECA by (i) accepting illegal corporate contributions and (ii) knowingly failing to disclose contributions to his campaign.

Respectfully submitted,

Rush Perez, Treasurer
[Signature]

Rush Perez, Treasurer
Bronx United

Brooklyn, NY 11238

Commonwealth of Virginia, City of Petersburg

Subscribed and sworn before me on 06/17/2020 by Rush Perez

Notary signature: *Lora A. Jarrett*

Notarized online using audio-video communication

