

BEFORE THE FEDERAL ELECTION COMMISSION

CAMPAIGN LEGAL CENTER
1101 14th Street, NW, Suite 400
Washington, DC 20005
(202) 736-2200

v.

MUR No. **8073**

VISTA PACIFICA ENTERPRISES INC.
3674 Pacific Avenue
Jurupa Valley, CA 92509

COMPLAINT

1. Vista Pacifica Enterprises, Inc. (“Vista Pacifica”) violated federal campaign finance laws when it made a \$100,000 political contribution to a super PAC, “Stop Socialism in OC,” while performing on federal contracts. This contribution, which constituted 80% of the committee’s receipts during the 2022 election cycle, allowed the committee to spend \$108,314.44 on independent expenditures opposing Rep. Katie Porter, a congressional candidate in California’s 47th district, which is near Vista Pacifica’s headquarters. By making this contribution, Vista Pacifica violated federal campaign finance laws that expressly prohibit federal contractors from making political contributions — a prohibition that serves as a crucial bulwark against “pay-to-play” corruption and the appearance thereof.
2. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Vista Pacifica violated the Federal Election Campaign Act of 1971 (“FECA”) prohibition on federal contractor contributions by contributing \$100,000 to Stop Socialism in OC while performing on federal contracts.¹

¹ 52 U.S.C. § 30109(a)(1).

3. If the Federal Election Commission (“FEC” or “Commission”), “upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [the Federal Election Campaign Act] . . . [t]he Commission *shall* make an investigation of such alleged violation”²

FACTS

4. Stop Socialism in OC is an independent-expenditure only political committee (“IEOPC”) that registered with the Commission on January 21, 2022. Its treasurer is David Satterfield.³
5. Six days later, on January 27, 2022, Stop Socialism in OC reported receiving a \$100,000 contribution from Vista Pacifica. Vista Pacifica disclosed an address of 3674 Pacific Avenue, Jurupa Valley, CA 92509 in connection with its contribution.⁴
6. According to USASpending.gov, “the official source for spending data for the U.S. Government,”⁵ Vista Pacifica has been awarded \$2.76 million in federal contracts with the Department of Veterans Affairs (VA) since 2008. The address on Vista Pacifica Enterprises’ USASpending.gov profile matches that provided in connection with its contribution to Stop Socialism in OC.⁶
7. Vista Pacifica had two open federal contracts at the time it made a \$100,000 contribution to Stop Socialism in OC:
 - a. A Basic Ordering Agreement (BOA) with the Department of Veterans Affairs, with \$469,944 in combined obligated amounts;⁷ and

² 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).

³ Stop Socialism in OC, Statement of Org. at 1 (Jan. 21, 2022).

⁴ Stop Socialism in OC, Apr. 2022 Quarterly Report at 6 (Apr. 10, 2022).

⁵ USASpending.gov, *Mission*, <https://www.usaspending.gov/#/about> (last visited Sep. 20, 2022).

⁶ USASpending.gov, Recipient Profile, Vista Pacifica Enterprises, Inc. <https://www.usaspending.gov/recipient/11cfb44b-e1b6-4904-105e-8df20e96f9bd-C/all> (last visited Sep. 20, 2022).

⁷ USASpending.gov, IDV to VISTA PACIFICA ENTERPRISES, INC., https://www.usaspending.gov/award/CONT_IDV_36C26219G0014_3600 (last visited Sep. 20, 2022).

- b. A Delivery Order (DO) with the Department of Veterans Affairs, with an obligated amount of \$13,259.⁸
8. Following the contribution from Vista Pacifica, Stop Socialism in OC spent \$108,314.44 — virtually all of its funds — on independent expenditures opposing Rep. Katie Porter, a current member of the U.S. House of Representatives (representing California’s 45th congressional district) and a candidate for reelection in California’s 47th congressional district.⁹ Both Porter’s current district and the district she is running to represent are near Vista Pacifica’s location in Riverside, CA.
9. Stop Socialism in OC has received \$125,000 in contributions during the 2022 election cycle, such that Vista Pacifica’s \$100,000 contribution constituted 80% of the committee’s funding for the current cycle.¹⁰ As such, the committee would not have been able to spend \$108,314.44 on independent expenditures absent Vista Pacifica’s \$100,000 contribution.

SUMMARY OF THE LAW

10. Under FECA, a “contribution” is defined as “any gift . . . of money or anything of value made by any person for the purpose of influencing any election for Federal office.”¹¹
11. FECA prohibits a federal contractor from making any “contribution to any political party, committee, or candidate for public office” at any time between the commencement of

⁸ USASpending.gov, CONTRACT to VISTA PACIFICA ENTERPRISES, INC., https://www.usaspending.gov/award/CONT_AWD_36C26222K0275_3600_36C26219G0014_3600 (last visited Sep. 20, 2022).

⁹ Stop Socialism in OC, Independent Expenditures, 2021-2022, https://www.fec.gov/data/independent-expenditures/?data_type=efiling&committee_id=C00802009&is_notice=true&filing_form=F3X&filing_form=F5&most_recent=true (last viewed Sept. 23, 2022).

¹⁰ See Stop Socialism in OC, Receipts, https://www.fec.gov/data/receipts/?two_year_transaction_period=2022&committee_id=C00802009&data_type=processed (last visited Sep. 20, 2022).

¹¹ 52 U.S.C. § 30101(8)(A)(i).

negotiations for a federal contract and the completion of performance or termination of negotiations for the contract.¹²

12. FECA additionally prohibits any person from knowingly soliciting such a contribution from a federal contractor.¹³
13. The contractor contribution ban applies to any person “who enters into any contract with the United States or any department or agency thereof” for “the rendition of personal services” or for “furnishing any material, supplies, or equipment,” or for “selling any land or building,” if “payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress.”¹⁴
14. The contractor contribution ban applies from when a request for proposals is sent out (or when contractual negotiations commence) until the completion of performance of the contract or the termination of negotiations.¹⁵
15. The Commission has made clear since at least 2011 that the government contractor prohibition applies to contributions to IEOPCs: in MUR 6403, the Commission emphasized that a contractor making a contribution to a political committee to fund independent expenditures is not itself making an expenditure; therefore, a contribution to such a committee falls “squarely within the statute’s prohibitions.”¹⁶
16. Moreover, in 2017, the Commission noted that there is no de minimis exception to the federal contractor contribution, finding that even if a contributor’s federal contract work is

¹² 52 U.S.C. § 30119(a)(1).

¹³ 52 U.S.C. § 30119(a)(2).

¹⁴ 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.1(a).

¹⁵ 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.1(b).

¹⁶ Factual and Legal Analysis at 5, 9, MUR 6403 (Alaskans Standing Together).

only a “small fraction” of its overall business, this “does not negate the company’s status as a federal contractor.”¹⁷

17. Even when the prohibited contractor contribution has been refunded, the Commission has pursued enforcement action. In 2019, the Commission found reason to believe federal contractor Ring Power Corporation violated Section 30119 when it contributed \$50,000 to an IEOPC, finding that Ring Power’s remedial measures, including obtaining a refund of the illegal contribution from the IEOPC, “do not excuse the violation.”¹⁸
18. The federal contractor ban applies in circumstances where there is “a very specific quo for which the contribution may serve as the quid,” and it was upheld unanimously by the en banc U.S. Court of Appeals for the D.C. Circuit in *Wagner v. FEC*, where the court stated that “the record offers every reason to believe that, if the dam barring contributions were broken, more money in exchange for contracts would flow through the same channels already on display.”¹⁹

CAUSE OF ACTION

I. VISTA PACIFICA ENTERPRISES INC. VIOLATED THE FEDERAL CONTRACTOR CONTRIBUTION BAN

19. FECA and Commission regulations prohibit a federal contractor from making a contribution to any political committee during the period in which a federal contract is being negotiated or performed.²⁰
20. According to USAspending.gov, Vista Pacifica is a federal contractor, and was a federal contractor when it made a \$100,000 contribution to Stop Socialism in OC on January 27,

¹⁷ Factual and Legal Analysis at 4-5, MUR 7099 (Suffolk Construction Co., Inc.) (finding reason to believe that federal contractor Suffolk Construction Company, Inc. violated 52 U.S.C. § 30119(a)(1) by contributing \$200,000 to an IEOPC).

¹⁸ Factual and Legal Analysis at 4, MUR 7451 (Ring Power Corp.); *see* Factual and Legal Analysis at 2-3, MUR 7568 (Alpha Marine Servs., Inc.) (same).

¹⁹ *Wagner v. FEC*, 793 F.3d 1, 18, 22 (D.C. Cir. 2015) (en banc).

²⁰ 52 U.S.C. § 30119(a)(1); 11 C.F.R. Part 115.

2022.²¹ Specifically, at the time it made the contributions at issue, Vista Pacifica had multiple active contracts to “furnish[] any material, supplies, or equipment to the United States or any department or agency thereof,” in particular, the Department of Veterans Affairs.²²

21. Consequently, there is reason to believe that Vista Pacifica, a federal contractor, violated FECA’s federal contractor contribution ban by making a \$100,000 contribution to an IEOPC, Stop Socialism in OC, during the period its federal contracts were being negotiated and/or performed.

²¹ *See supra* ¶ 7.

²² 52 U.S.C. § 30119(a)(1).

PRAYER FOR RELIEF

22. Wherefore, the Commission should find reason to believe that Vista Pacifica violated 52 U.S.C. § 30101 *et seq.*, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
23. The Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations and an injunction prohibiting the respondents from any and all violations in the future, and should seek such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

Respectfully submitted,

/s/ Saurav Ghosh
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September 28, 2022

VERIFICATION

The complainant listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

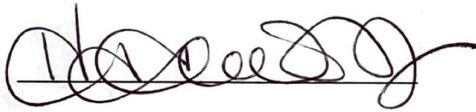
Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Campaign Legal Center



Saurav Ghosh, Esq.

Sworn to and subscribed before me this 28th day of September 2022.



Notary Public

