

**FEDERAL ELECTION COMMISSION**

Washington, D.C. 20463

May 26, 2023

BY EMAIL AND CERTIFIED MAIL

Craig Engle
ArentFox Schiff LLP
1717 K Street, NW
Washington, DC 20006
Craig.Engle@afslaw.com

RE: MUR 8073
Vista Pacifica Enterprises, Inc.

Dear Mr. Engle:

On May 24, 2023, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30119(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. § 115.2(a). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact Jake Tully, the attorney assigned to this matter, at (202) 694-1404.

Sincerely,

Mark Shonkwiler

Mark Shonkwiler
Assistant General Counsel

Enclosure:
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

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4 In the Matter of)
5)
6 Vista Pacifica Enterprises, Inc.) MUR 8073
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CONCILIATION AGREEMENT

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11 This matter was initiated by a signed, sworn, and notarized Complaint filed with the
12 Federal Election Commission. The Commission found reason to believe that Vista Pacifica
13 Enterprises, Inc. (“Respondent”), violated 52 U.S.C. § 30119(a) and 11 C.F.R. § 115.2(a) by
14 making a contribution while Respondent was a federal government contractor.

15 NOW, THEREFORE, the Commission and Respondent, having participated in informal
16 methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as
17 follows:

18 I. The Commission has jurisdiction over Respondent and the subject matter of this
19 proceeding, and this Agreement has the effect of an agreement entered under 52 U.S.C.
20 § 30109(a)(4)(A)(i).

21 II. Respondent has had a reasonable opportunity to demonstrate that no action should
22 be taken in this matter.

23 III. Respondent enters voluntarily into this Agreement with the Commission.

24 IV. The pertinent facts in this matter are as follows:

25 1. Respondent is a company specializing in health care services which holds
26 a Basic Ordering Agreement with the U.S. Department of Veterans Affairs (“VA”) with a period
27 of performance from May 1, 2019, to April 30, 2023. Respondent previously held a Delivery
28 Order with the VA with a period of performance from January 1, 2022, to March 31, 2022.

1 2. On January 27, 2022, while performing two federal contracts, Respondent
2 made a \$100,000 contribution to Stop Socialism in OC and David Satterfield in his official
3 capacity as treasurer (“Stop Socialism in OC”), an independent expenditure-only political
4 committee.

5 3. On November 28, 2022, Stop Socialism in OC refunded the \$100,000
6 contribution to Respondent.

7 V. The pertinent law in this matter is as follows:

8 1. The Federal Election Campaign Act of 1971, as amended (the “Act”) and
9 the Commission’s regulations bar contributions to political committees by any person who enters
10 into a contract with the United States or its departments or agencies for “furnishing any material,
11 supplies, or equipment,” if payment on such contract “is to be made in whole or in part from
12 funds appropriated by Congress.” 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.2(a). Such
13 contributions are barred for the period between (1) the earlier of commencement of negotiations
14 or when requests for proposal are sent out, and (2) the later of the completion of performance on
15 or termination of negotiations for the contract. 11 C.F.R. § 115.1(b).

16 2. These prohibitions apply to a federal contractor who makes contributions
17 to any political party, political committee, federal candidate, or “any person for any political
18 purpose or use.” 11 C.F.R. § 115.2(a).

19 VI. Respondent contends that it was unfamiliar with the prohibition on government
20 contractor contributions when it made what was its very first political contribution. Further,
21 Respondent contends that its violation of the prohibition on government contractor contributions
22 was inadvertent and unintentional.

MUR 8073 (Vista Pacifica Enterprises, Inc.)

Conciliation Agreement

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1 VII. Respondent violated 52 U.S.C. § 30119(a)(1) and 11 C.F.R. § 115.2(a) by making
2 a contribution while performing a federal contract.

3 VIII. Respondent will take the following actions:

4 1. Respondent will pay a civil penalty to the Commission in the amount of
5 nineteen thousand dollars (\$19,000) pursuant to 52 U.S.C. § 30109(a)(5)(A).

6 2. Respondent will cease and desist from violating 52 U.S.C. § 30119(a)(1)
7 and 11 C.F.R. § 115.2(a).

8 IX. The Commission, on request of anyone filing a complaint under 52 U.S.C.
9 § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review
10 compliance with this Agreement. If the Commission believes that this Agreement or any
11 requirement thereof has been violated, it may institute a civil action for relief in the United States
12 District Court for the District of Columbia.

13 X. This Agreement shall become effective as of the date that all parties hereto have
14 executed same and the Commission has approved the entire Agreement.

15 XI. Respondent shall have no more than 30 days from the date this Agreement
16 becomes effective to comply with and implement the requirements contained in this Agreement
17 and to so notify the Commission.

1 XII. This Conciliation Agreement constitutes the entire agreement between the parties
2 on the matters raised herein, and no other statement, promise, or agreement, either written or
3 oral, made by either party or by agents of either party, that is not contained in this written
4 Agreement shall be enforceable.

5 FOR THE COMMISSION:

6 Lisa J. Stevenson
7 Acting General Counsel


8 **Charles**
9 **Kitcher**
10 BY: Digitally signed by Charles Kitcher
 Date: 2023.05.25 10:39:15 -04'00'

11 Charles Kitcher
12 Associate General Counsel
13 for Enforcement

5/25/23

Date

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15 FOR THE RESPONDENT:

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Craig Engle
20 Counsel for Vista Pacifica Enterprises, Inc.

5/10/2023

Date