

OFFICE OF
GENERAL COUNSEL

TO: Office of General Counsel
Federal Election Commission
999 E Street, N.W.,
Washington, D.C. 20463.

2023 JAN 24 AM 11:43

MUR # 8106**Violations:**

18 U.S. Code § 201 - Bribery of public officials and witnesses

18 U.S. Code § 597 - Expenditures to influence voting

THE FACTS: What began as an impromptu conversation and plea for campaign cash at the Kings County Farm Bureau's Wine vs. Beer Dinner on March 31, 2022, has transformed into an active criminal investigation. The Federal Bureau of Investigation (FBI) has allegedly opened a probe into whether John Duarte admitted to bribing another congressional candidate, according to individuals interviewed by the bureau. The FBI investigation has implicated at least one other Republican candidate running for the U.S. House in California.

Duarte, a farmer and donor from Modesto who entered the race in California's 13th Congressional District towards the end of the filing deadline, approached Paula Vinzant regarding his campaign in an effort to solicit a donation. During their conversation, Duarte boasted about his campaign and his chances of victory. Vinzant then asked Duarte for a more complete picture of the race, to include other GOP candidates running in the primary.

At the time, four other Republican candidates—David Giglio, Diego Martinez, Matt Stoll and Elizabeth Heng—had filed to run in the 13th District. Stoll, a candidate in the special election to fill Devin Nunes' vacated seat in the 22nd District, had also recently filed to run in CA-13. He later withdrew his filing without comment and refiled in the 21st District.

It was at this point in the conversation when Duarte openly bragged to Vinzant that he had just shrunk the field by promising to pay Stoll a \$2,900 campaign contribution to abandon a run in the 13th district and instead run in the 21st District against incumbent Democratic Rep. Jim Costa and Republican Michael Maher. Duarte stated that he called Stoll and offered to pay him the maximum campaign contribution and extend an endorsement in exchange for him bowing out of the race in CA-13. Duarte told the source that he did not want Stoll in the race because "he did not want to face a veteran."

Stoll dropped out of CA-13 and refiled in CA-21 on March 7, 2022, without comment.

Vinzant was stunned by Duarte openly admitting to having committed a political bribe and a serious violation of federal campaign law. Duarte seemed extremely proud of his actions and either was apparently unaware or unconcerned about their potentially illegality.

Vinzant waited for the CA-22 filing deadline to view Stoll's FEC filing to see if what Duarte bragged openly about could be corroborated. Sure enough, on April 6, 2022, the Stoll campaign filed a Form 6 (FILING FEC-1576537) report that listed a \$2,900 max contribution from John Duarte to Matt Stoll, which was made on March 25, 2022. It was at this point that a complaint was filed with and heard by the FBI, who subsequently opened a former criminal investigation.

This is not the first time John Duarte has been the subject of a federal investigation. In November 2012, an employee from the Army Corps of Engineers (COE) observed activity on the Duarte property that suggested clear and significant violations of the Clean Water Act (CWA). The employee investigated, took photos and filed a formal complaint. Following an investigation and inspection, the COE concluded Duarte was indeed in serious violation of the CWA for polluting and misuse of water, and the case was referred for enforcement. Duarte Nurseries disputed and attempted to fight the conclusion, but the court sided with the COE. Facing potential fines totaling \$45 million, Duarte finally settled and agreed to pay \$1.1 million in 2017.

Fast-forward to 2022, and Duarte again finds himself at the center of an investigation, only this time it's criminal in nature. During the FBI probe, the Giglio campaign was contacted and informed of what had been uncovered. It was then revealed that David Giglio had a conversation with John Duarte on March 7, 2022, after a Stanislaus County GOP Central Committee meeting at the Denny's located on 1525 McHenry Avenue in Modesto. The conversation lends more credibility to the allegations of bribery.

At the time of the meeting, Duarte had just entered the race, though had not yet filed with the FEC. During their conversation, Duarte tried to intimidate Giglio and made several underhanded threats. By this time, Stoll had filed to run in CA-13. When Giglio pressed Duarte about why he was getting in the race and further splitting the GOP vote Duarte smirked and replied, "Yeah, well, Stoll is out now. I know that."

Per FBI investigators, it would have been impossible for Duarte to know that Stoll was leaving CA-13 to run in CA-21 unless the bribery arrangement that Duarte discussed having made with Stoll had in fact already taken place. Previously, Stoll was adamant about staying in the race for CA-13 and at least publicly stated as much weeks after Duarte's remarks. On April 4, Stoll met via Zoom with four County GOP chairs who made it clear that they supported Giglio. He remained undeterred and told the chairs that he was still running in CA-13. No public filing or indication had been made that he would leave the race. Thus, Duarte had no way to know what Stoll was doing.

The FBI is also interested in whether Duarte offered a bribe to Elizabeth Heng, the former Republican nominee in CA-16. Heng appeared on Alexan Balekian's Sunday Morning Matter program on February 27, 2022, to deliver a special announcement that she would be running in the 13th District after the conclusion of her race in the special election to replace Devin Nunes. It was ill-received, and Heng was approached by numerous local political leaders urging her not to run in CA-13. On February 28, Heng was told during a meeting with County GOP chairs that she would not

have their support. Yet, she remained steadfast in her commitment to run in CA-13 after the special election, insisting that she would raise enough. Even weeks later when Duarte filed to run, she publicly maintained her status as a candidate in CA-13.

Then, as the filing deadline for the races approached, Heng quietly withdrew from the race in CA-13 without any public comment or private conversations with political leaders. She has still not told anyone why she had a last minute change of heart. The FBI wants to know whether there was also a bribe offered by Duarte to Heng. The financials certainly suggest that's a strong possibility. Heng's campaign committee had just \$30,000 cash-on-hand, and still carried nearly \$90,000 in debt from her last congressional campaign in 2018. Did John Duarte offer her a similar type bribe to clear the field? That's what the FBI is attempting to find out.

FORM 6

CONTRIBUTIONS

FILING FEC-1576537

Committee: MATT STOLL FOR CONGRESS

From	Address	Employer	Occupation	Date Contributed	Amount Contributed
Jim Click	6403 E. Miramar Dr. Tucson, Arizona 85715	Employer: Jim Click Automotive	Occupation: President	03/24/2022	2900.00
Jim Click	6403 E. Miramar Dr. Tucson, Arizona 85715	Employer: Jim Click Automotive	Occupation: President	03/24/2022	2900.00
John Duarte	6706 Dusty Lane Modesto, California 95357	Employer: Duarte Nursery Inc.	Occupation: Farmer	03/25/2022	2900.00
Joseph M. Pizza	120 Route 17 North Suite115 Paramus, New Jersey 07652	Employer: Pharmasphere	Occupation: CEO	03/24/2022	1500.00
Paul Smith	Po Box 286 Seaside Park, New Jersey 08752	Employer: Lagoda Investment Management	Occupation: Trader	03/25/2022	2900.00
Total Itemized Contributions =					13100.00



 Kelly Dickson

Scappoose, OR 97056-4100

state: OR county: WA

Signed & sworn to before me
 on 01/11/2023 by Kelly Dickson.



