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December 9, 2022

Federal Election Commission
Office of Complaints Examination and Legal
Administration
1050 First Street NE
Washington, DC 20463
Attention: Christal Dennis**Craig Engle**Partner
202.775.5791 **DIRECT**
Craig.Engle@afslaw.com

Re: Response by Vista Pacific Enterprises, Inc. (“Vista”) to Complaint MUR 8073 filed on September 28, 2022 (the “Complaint”) before the Federal Election Commission (“FEC”)

Dear Ms. Dennis:

This firm represents Vista in response to the Complaint. We respectfully request that the FEC take no further action based on the facts and circumstances of the case, as more particularly set forth in this letter and the enclosed affidavit of Vista’s President, Cheryl Jumonville (the “Affidavit”), and because any potential wrongdoing has been remedied.

Vista made a \$100,000 contribution to an independent expenditure committee on January 27, 2022 (the “Subject Contribution”) (such independent expenditure committee, the “Recipient”). This is the only political contribution Vista has ever made. The Subject Contribution was authorized by Ms. Jumonville. Ms. Jumonville does not regularly make political contributions and is unfamiliar with the limits and prohibitions of federal campaign finance law. She states that had she known about the prohibition against contributions by federal government contractors, she would have never made the Subject Contribution and would have used her personal funds or those of another entity she owns instead.¹

Upon learning that the Subject Contribution may not be permitted under federal law, Ms. Jumonville took immediate steps to have the Subject Contribution replaced by the funds of a different entity, Mira Poly Holdings LLC, that is unrelated to Vista and that does not have any federal contracts. That donation was received by the Recipient which, in turn, promptly refunded the Subject Contribution to Vista in full. Even though Ms. Jumonville believes that no actual money from any federal contract was used to finance the Subject Contribution, she chose instead to not make any arguments and to take this corrective action. And although Ms.

¹ Affidavit of Cheryl Jumonville at 1.

Jumonville used Vista's corporate checkbook to make the Subject Contribution, she considered it to have been her own political contribution, as Vista is so closely associated with her, and she is its sole owner.²

Vista's relationship with the United States Department of Veterans Affairs (the "VA") has been short lived. Vista received its first contract with the VA in 2021, which is set to expire in approximately four months. Vista received the contract because of its adept ability to treat patients suffering from chronic mental health behaviors; it was not awarded because of any improper influence or quid pro quo. Ms. Jumonville has no plans to renew this one-time contract. As the Affidavit states at Paragraph 5:

The contract is for providing health care to veterans that the VA is unable to provide for. These services . . . *have nothing to do with politics*. Rather, the contract was awarded by a mid-level bureaucrat after a long competitive bidding process. Vista was selected because it met several objective criteria sought by the VA, including its status as an American Health Care Association Silver Award Winner in 2018. Vista's contract with the VA was awarded because of Vista's reputation and its capability to provide high-quality healthcare; *it was not awarded because of any political connections or improper influence*.³

The Affidavit continues at Paragraph 10:

No one at the VA has ever communicated anything to me about making political contributions Neither I nor Vista has ever lobbied any federal officeholders to help Vista's business. . . . *Trust me, making political contributions is not the way to win contracts at the VA*.⁴

To put this case in financial perspective: In 2021, Vista earned approximately \$11.6 million from its non-federal clients and \$317,000 from its contract with the VA. This means its federal contract accounted for only about 2.65% of its annual revenues that year.⁵ During the exact months surrounding the Subject Contribution, Vista received approximately \$4.4 million from its non-federal clients and approximately only \$38,000 from the VA, meaning that only about 3.26% of its revenue at the time of the Subject Contribution was from a federal contract.⁶ Even further, because money Vista receives from the VA is almost all immediately spent by Vista on

² *Id.* (emphasis added).

³ *Id.* (emphasis added).

⁴ *Id.* at 2 (emphasis added).

⁵ *Id.* at 1 (emphasis added).

⁶ *Id.* at 2 (emphasis added).

contract expenses, Vista had more than sufficient cash on hand to make the Subject Contribution without any federal funds.

As (1) Ms. Jumonville was unaware of any prohibition on contributions by federal government contractors at the time of the Subject Contribution, (2) Ms. Jumonville felt that the Subject Contribution was her own, (3) the amount of federal funds Vista receives is relatively insignificant compared to the amount of funds it receives from its other clients, (4) Vista's contract with the VA will expire and not be renewed and (5) there is no evidence of any improper influence or quid pro quo, we respectfully request that the FEC take no further action. In addition, the undersigned submits that Ms. Jumonville's swift corrective action demonstrates that she did not intend to potentially violate federal campaign finance law.

Best regards,



Craig Engle

Enclosures:
Affidavit of Cheryl Jumonville

AFFIDAVIT OF CHERYL JUMONVILLE

The undersigned hereby declares under oath the following to be true and honest to the best of her knowledge or recollection as of the date hereof:


1. My name is Cheryl Jumonville, I am over the age of eighteen years and am a citizen of the United States of America.
2. I am the President of Vista Pacifica Enterprises, Inc. ("**Vista**"). Vista provides skilled nursing services to the civilian and veteran populations in southern California suffering from chronic mental health behaviors. Vista has two facilities with 157 beds in total and is adept in treating veterans with behavioral health and geropsychiatric issues.
3. On November 17, 2022, I spoke with Vista's legal counsel about Complaint MUR No. 8073 filed with the Federal Election Commission (the "**FEC**") on September 28, 2022 (the "**Complaint**"). Frankly, this is the first that I have heard of a ban against federal contractors making contributions to independent expenditure committees. The \$100,000 contribution identified in the Complaint (the "**Subject Contribution**") is the only political contribution Vista has ever made. If I had known about the prohibition against contributions by federal contractors in the first place, I would never have authorized the Subject Contribution. Upon learning about the allegations against Vista and discussing this matter with Vista's legal counsel, I immediately caused Mira Poly Holdings LLC, an entity that I manage that is unaffiliated with Vista, that is in a separate business from Vista's, and that does not have any federal government contracts, to send Stop Socialism in OC ("**Stop Socialism**") \$100,000 with instructions that Stop Socialism immediately refund Vista for the Subject Contribution.
4. Although I used Vista's corporate checkbook to make the Subject Contribution, I considered it to have been my own political contribution, as Vista is so closely associated with me, and I am its sole owner.
5. Beginning in May 2021, Vista had a contract with the United States Department of Veterans Affairs (the "**VA**"). This contract was renewed in May 2022 and is set to expire in April 2023. Vista will not seek renewal of its contract with the VA. The contract is for providing health care to veterans that the VA is unable to provide for. These services are rendered to take care of the Nation's veterans and have nothing to do with politics. Rather, the contract was awarded by a mid-level bureaucrat after a long competitive bidding process. Vista was selected because it met several objective criteria sought by the VA, including its status as an American Health Care Association Silver Award Winner in 2018. Vista's contract with the VA was awarded because of Vista's reputation and its capability to provide high-quality healthcare; it was not awarded because of any political connections or improper influence.
6. In 2021, Vista earned \$317,104.18 from its contract with the VA. During the same time period, Vista earned \$11,648,064.60 from its other contracts. Therefore, the money Vista received from the federal government accounted for only 2.65% of its revenues in 2021.

7. Vista's cash flows in December 2021 (the month preceding the Subject Contribution), January 2022 (the month of the Subject Contribution), and February 2022 (the month following the Subject Contribution) show that Vista received only \$38,117.58 in cash from the VA and \$4,417,145.43 in cash from its other clients. During the month of the Subject Contribution, only 3.26% of Vista's cash on hand was from its contract with the VA. There was always sufficient cash on hand from Vista's other clients to cover the entire amount of the Subject Contribution.
8. Vista's bank statements similarly demonstrate that nearly all of the revenue it receives from its contract with the VA is quickly spent to cover the expense of performing under the contract. Vista received only \$28,410.68 in federal funds in January 2022 before the Subject Contribution, most of which was immediately spent on the costs of administering the contract. Vista did not receive any payments from the VA in the month following the Subject Contribution.
9. No one at the VA has ever communicated anything to me about making political contributions or being prohibited from making political contributions due to Vista's contract with the VA. Neither I nor Vista has ever lobbied any federal officeholders to help Vista's business. In fact, not only would I not know how to, but I would also not even want to. Trust me, making political contributions is not the way to win contracts at the VA.
10. It never occurred to me that being a professional health care provider that has one federal government contract to help hospitalized veterans could not be able to support an independent expenditure committee that is unaffiliated with any candidate or election where my company's facilities are located.

This Affidavit is made for the purpose of supporting facts and arguments in the letter by Vista's legal counsel to the FEC and I swear that the above is truthful to the best of my ability and recollection pursuant to Title 18, United States Code, Section 1001 and Title 22, United States Code, Section 618(a)(2).

***[Remainder of Page Intentionally Left Blank;
Signature Follows on the Next Page]***

IN WITNESS WHEREOF, the undersigned has executed this Affidavit as of this
8th day of December 2022.



Cheryl Jumonville

ACKNOWLEDGEMENT

Sworn to before me and subscribed in my presence
this _____ day of December 2022.

WITNESS my hand and official seal.

See attached notary block. (seal)
Notary Public

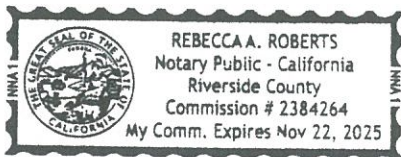
CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside
On 12/8/22 before me, Rebecca Roberts Public Notary
personally appeared Cheryl Jumonville

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

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Capacity options: Corporate Officer, Partner, Individual, Trustee, Other, Attorney in Fact, Guardian or Conservator.