

CLOSING MEMORANDUM

TO: FILE

FROM: STEFAN C. MRAKICH, Deputy District Attorney
Public Integrity Division

SUBJECTS: CHRIS VOVOS AND MANUEL GOMEZ
P 18-0426

DATE: April 19, 2022

I. INTRODUCTION

On November 20, 2018, the District Attorney's Office opened an inquiry into allegations that the owner of Tam's Burgers (and related burger franchises)¹, Chris Vovos (Vovos), solicited donations to then candidate Alex Villanueva's (Villanueva) 2018 campaign for Los Angeles County Sheriff, and reimbursed those donations. Records obtained by the Fair Political Practices Commission (FPPC) and provided to the District Attorney, revealed that several of Tam's employees along with related franchise employees, each, as individuals, donated the maximum amount, \$1,500, to Villanueva's campaign. As a result, the issue of whether Vovos, as owner of Tam's, was behind the donations became a focus of inquiry.

During the inquiry, investigators conducted interviews with several of the franchise employees who donated to the Villanueva campaign. In addition, investigators obtained search warrants for 22 bank accounts associated with the various donations. Ultimately, they found no evidence that Vovos committed any criminal misconduct. However, investigators found that Manuel Gomez (Gomez), the manager of Tam's, did in fact solicit contributions from several of the Tam's employees; although, none of the employees said that Gomez gave them the money to contribute or reimbursed them for their contributions. Two donors, unrelated to Tam's but friends of Gomez, said that Gomez gave them the money to donate. A search of Gomez's residence yielded no incriminating evidence relevant to the inquiry.²

¹ Tam's owner Chris Vovos, in addition to Tam's, owns Boulevard Burgers (Bell, CA); Long Beach Burgers (Lynwood, CA); Alondra Blvd. Burgers (Paramount, CA); and Tam's Super Burgers (Huntington Park and Whittier, CA).

² Investigators did find a 9MM handgun in a closet at the Gomez residence. The firearm was registered to another individual and had not been reported stolen.

Based on the lack of evidence involving both a conspiracy to make illegal contributions and money laundering to the Villanueva campaign, the assigned deputy recommends no filing.

II. SUMMARY OF FACTS

In 2018, Villanueva declared his candidacy for the position of Los Angeles County Sheriff. Voters went to the polls on November 6, 2018 and on December 3, 2018, election officials declared Villanueva the winner over incumbent Jim McDonell.

In October 2018, one month shy of the election, the District Attorney received a complaint from McDonell's campaign, alleging that Vovos, the owner of Tam's, reimbursed his (Vovos's) employees who made contributions to the Villanueva campaign.

As part of a separate investigation, FPPC investigators obtained records for the 2018 Villanueva for Sheriff campaign (including the Form 410's, Form 460's and Form 497's, which a political campaign files to disclose itemized receipts, expenditures and the names of donors and the amount of their contributions) which revealed that in August and September of 2018, prior to the November 2018 election, several employees of Tam's made the maximum amount of an individual contribution, \$1,500 to the Villanueva campaign.

Of note, a review of the cancelled checks in the FPPC records showed similar writing, as if the same person wrote all the checks. Given the large amount of individual contributions, \$19,500 in total, and the potentially suspect way they were obtained, investigators decided to conduct a further inquiry into the source of the contributions.

III. INTERVIEWS

Investigators conducted a total of 12 interviews either with the individual donors³ or a family member associated with those donors. All people interviewed confirmed that they had made donations to Villanueva's campaign.

Most of the donors identified were either employees of Tam's or employed by one of Vovos's other related burger franchises. Each donor worked in positions such line cook, waitress and "kitchen prep." All the employees interviewed averaged a salary of approximately \$3,000 per month.

Several of the employees indicated that they donated at the request of their boss, Gomez, the manager of Tam's. However, they denied he (Gomez) gave them the money for their contributions or reimbursed them after the contributions were made. Some of the

³ One donor, a student employed by Tam's, refused an interview. The student's bank records showed several large cash deposits prior to the student's September 2018 \$1,500 donation to Villanueva.

employees indicated that after they signed the checks, they gave the checks to Gomez to then provide to the Villanueva campaign.

Most of the donors were Spanish speakers. Investigators confirmed that one of the donors could not write English. A writing sample obtained from that donor confirmed that this donor did not complete the “pay to the order of” and “memo” lines of the check.

Two other donors, a husband and wife, owned a pottery store. During their interviews, they confirmed that they donated money at Gomez’s request. Specifically, Gomez (a family friend they knew from church) gave them cash (\$1,500) which they then deposited into their account and wrote a check for that same amount. The husband admitted that he only signed the check, he did not complete the “pay to the order” or “memo” line on the check.⁴

Investigators obtained search warrants for the donors’ bank records. The cancelled checks contained in the bank records confirmed the donations to the Villanueva campaign. In addition, some of the accounts showed large cash deposits that preceded the \$1,500 donation. However, (with the exception of the pottery store owners discussed above) the investigators could not confirm the source of those cash deposits.

Based on the totality of the evidence, investigators obtained a search warrant for Gomez’s residence. Investigators served the search warrant on October 9, 2019 and seized several items related to the Villanueva Campaign, however, nothing proved to be incriminating.

IV. LEGAL ANALYSIS

Los Angeles County Code (the Code) section 2.190.100 states that no person shall contribute to any county officer holder in excess of \$1,500 in any calendar year.

Section 2.190.03 of the Code defines “bundling of contributions” as the making of contributions to a candidate through another person or entity who acts as an intermediary or conduit.

A violation of the Code is a misdemeanor with a one-year statute of limitations.

The one-year statute of limitation for bundling has expired. In addition, the evidence that Gomez bundled contributions cannot be proven beyond a reasonable doubt. Gomez himself donated \$1,500 to the Villanueva campaign. Therefore, he reached the limit of individual contributions. Although some donors indicated that Gomez gave them the money to donate to Villanueva’s campaign, those donors, being potential accomplices to the crime, would have to be corroborated in their testimony. There is limited corroboration that Gomez gave them the cash that they used to make the donation.

⁴ A former employee of the pottery store also donated \$1,500. However, she had since retired and was living in Mexico.

A conspiracy to violate the Code would be a felony with a three-year statute of limitation. The statute of limitation arguably passed in November 2021, three years from the date when the District Attorney first began the investigation. However, the same analysis as above applies; there is insufficient evidence to establish a conspiracy between Gomez and any other of the individual donors. Given the donors lack of sophistication, proving a specific intent to commit a crime would be challenging.

Finally, there is insufficient evidence to support money laundering in violation of Penal Code section 186.10. Section 186.10 has a four-year statute of limitations. The bank records for the period of August through September of 2018, coupled with the statements of the donors and their economic circumstances established a suspicion of criminal activity, but, as noted previously only the pottery store owners said that Gomez gave them cash to donate to Villanueva; all other donors denied Gomez gave them the money. Therefore, assuming the existence of a criminal enterprise giving rise to an intent to launder money, only \$1,500 was transacted, far below the minimum of \$5,000 required to prove a violation of section 186.10.

V. CONCLUSION

Based on the totality of the evidence, there is insufficient evidence to prove beyond a reasonable doubt that Gomez or any of the donors committed any crime.