

December 22nd, 2008

Campaign Finance Civil Enforcement Clerk
Director of Elections
111 S 3rd Ave, Suite 102
Phoenix, Az 85003

2008 DEC 22 AM 11:25

PHOENIX, AZ
DEPT. OF ELECTIONS

Dear Sir or Madam,

In the matter of Joel Fox dba SCA, a compliance order was issued by Attorney Jeffrey Messing acting on behalf of the County Attorney on December 3rd, 2008 containing his conclusion that SCA meets the definition of a political committee, and including multiple penalties based on this conclusion. Rather than allow this point of law to be contested and determined prior to applying penalties, the order demands payment of over \$315,000 in fines.

§ARS 16-924(A) permits the County Attorney to issue a compliance order allowing 20 days for the accused to request a hearing. §ARS 16-924(B) requires that upon non compliance, the County Attorney issue a second order assessing civil penalties allowing the accused 30 days to request a hearing. Mr. Messing's compliance order includes both violations *and* assessment of penalties and allows 30 days to request a hearing indicating that this order is due to non-compliance even though no previous compliance order was issued.

Despite being denied the opportunity to contest Mr. Messing's conclusions of law prior to the imposition of civil penalties, I am requesting a hearing.

I am further requesting that an amended compliance order be issued pursuant to §ARS 16-924(A) allowing an opportunity for compliance, as well as a hearing, prior to the imposition of civil penalties. In the interest of time and justice, the effective date of the order should remain the same and all time limits should stand. I am also requesting an Informal Settlement Conference. Upon hearing the facts and evidence in this matter, I am confident that a quick resolution can be attained.

I would request that my home address and phone number not be released as public information, if at all possible.

After enduring weeks of inaccurate media reports and conjectural allegations I look forward to the opportunity to present the true facts of this matter.

Respectfully submitted,



Joel Fox