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June 12, 2009

Via e-mail and mail

Joel Fox
3562 East Harvard Court
Gilbert, Arizona 85234

Re: Maricopa County Department of Elections Final Decision

Dear Mr. Fox:

Karen Osborne asked me to address your letter to her dated June 12, 2009. Neither the Department nor I is going to debate the merits of the Department's Final Decision with you.

Your payment of \$450.00 satisfies one element of that Decision, but as you know, you have not provided the Department with copies of the records requested in the December 3, 2008 Compliance Order. As your letter acknowledges, that Order required, among other things, that you "produce the copies of the records A.R.S. § 16-904(D), (F), (G), and (H) require Mr. Fox to keep on behalf of SCA." Compliance Order at ¶ 34.

Section 16-904(H) requires the treasurer to "preserve **all** records required to be kept by **this section**. . . ." (Emphasis added.) Those records include the detailed books and records required by Subsection (E) of Section 16-904. You cannot comply with the Final Decision without providing those detailed records.

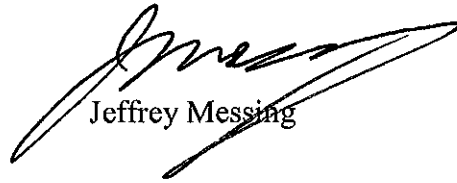
The Department cannot entertain your suggestion that you be allowed to comply with the Decision "privately." The whole point of the Campaign Contribution Statutes is public disclosure. See A.R.S. §§ 16-901, *et seq.* Allowing you to make a secret filing would violate both the letter and the spirit of that law as well as the Arizona Public Records Act. See A.R.S. §§ 39-121 *et seq.*

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Please be advised that as stated in the Final Decision, your failure to produce the required records will subject you to a civil penalty as set forth in A.R.S. § 16-904(J).

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey Messing", written over a horizontal line.

Jeffrey Messing

Copy to: Karen Osborne
Director
Maricopa County Department of Elections