



Glendale United
5350 W Bell Road # 282
Glendale, AZ 85308
602-369-8653
Glendale.United@yahoo.com

October 26, 2012

Pam Hanna
City Clerk
City of Glendale
5850 W Glendale Ave
Suite 455
Glendale, AZ 85301

Dear Ms. Hanna,

Thank you for the opportunity to formally respond to the complaint from Ms. Francine Romesburg dated October 18, 2012.

On September 12, 2012 we formed the committee Glendale United as a Political Committee organized for the purpose of making independent expenditures according to ARS § 16-901.

The first misrepresentation in the complaint is represented in the third paragraph and the beginning of the fourth paragraph:

On September 21, 2012, the webpage www.GlendaleUnited.com was created. The webpage registration site network Solutions list www.glendaleunited.com as being owned by Mojo Developments (sic), (owned by George Fallar), and list George Fallar as the administrative contact.

Additional confirmation of George Fallar's central role with Glendale United can be found through the webpage www.whoissasmchavira.com, which according to its disclaimer is paid for by Glendale United. On this webpage, "gfallar" is identified as the author posting stories to the website. The web registration information is private, but has the same IP address as Fallar's personal webpage nebulousverbosity.com, and GlendaleUnited.com

Mr. Fallar did purchase two domains on or about September 21, 2012, glendaleunited.com as well as glendaleunited.org. Mr. Fallar has been in the web design and hosting business for well over 14 years, and is the administrative contact on many websites. The "same IP" argument is ludicrous, the IP address in question is actually owned by 1&1.com and hosts hundreds of site, perhaps thousands, so it "proves" nothing.

Mrs. Romesburg goes on to contend that since Mr. Fallar registered and his company owns the domains listed above that is "proof" that he has a "central role" with Glendale United. This assertion is further "confirmed", because Mr. Fallar also purchased the webpage, www.whoissamchavira.com.

Had Ms. Romesburg waited until after the next required campaign finance report for period ending October 25, 2012, one (1) week after the complaint was filed, she would see that Mr. Fallar made two in-kind donations to Glendale United.

The first **in-kind donation** form is dated September 22, 2012 in the amount of \$310.34 and the donation is for: "domain registration and hosting for the following domains(s): glendaleunited.com, glendaleunited.org, design services for websites".

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The second **in-kind donation** form we just received is dated October 22, 2012 in the amount of \$303.17 and the donation is described as: "Domain registration and hosting for the following domain(s): whoissamchavira.com, design services for website." (See Exhibit 1)

Ms. Romesburg states that **because** Mr. Fallar has registered these websites, he has a central role in the Glendale United organization. Using the same argument, should we can assume that Annette McHugh, the registrant for glendaleteaparty.com has a central role in the Sam Chavira campaign because the chaviraforcouncil.com domain (a private registration) are both hosted by HostGator.com? We contend a reasonable person would NOT make that assumption nor would those facts prove anything and, thus, Ms. Romesburg's point is baseless and without merit.

Ms. Romesburg stated under the header of Campaign Law Violations

First, the www.GlendaleUnited.com webpage has no indication of who is paying for the site. It clearly is advocating for the election of candidate Joyce Clark, and both city ordinance and state law require that any such material indicate the committee that is responsible. Such disclaimers are required on every page of the website, and every page without a disclaimer should be considered a separate violation.

The webpage, glendaleunited.com has one page and has the disclaimer at the bottom of the page as is readily available for all to see. (See Exhibit 2)

Ms. Romesburg goes on to state:

In addition, state law prohibits coordination between IE committee and the candidates they support. In this case, it is apparent that there has been on-going coordination between officials of the IE committee (particularly George Fallar) and candidate Joyce Clark who is being supported by the committee.

Mr. Fallar is not a member of the Glendale United committee. The only members of the committee are Mr. Geoff Anderla, Chairman and Ms. Taylor Stephens, Treasurer. Therefore, any complaints based on this "fact" are spurious and without merit. (See Mr. Fallar's statement Exhibit 3)

Ms. Romesburg then lists a series of twitter posts that "document the ongoing coordination between the Glendale United IE and the Clark campaign". Screen shots of the tweets are also provided with the original complaint. We will address each bulleted item.

1) *From August 9th through August 24 (less than three weeks before the IE was created), Joyce Clark and George Fallar exchange numerous campaign-related tweets, forwarding pictures, blog post and articles regarding the City Council campaign.*

As stated previously, Mr. Fallar is not a member of the committee, and therefore this first item has no bearing. Even if the point was worthy of consideration, the time frame is before the committee was formed and therefore, this point is without merit.

2) *On August 28, just two weeks before forming the IE, Geoff Anderla said on twitter, "Standing at Independence high school waiting for Joyce Clark."*

This tweet was on primary election night, and the exact tweet is, and we quote: "Standing at independence high school waiting for Joyce Clark. This is going to be a hot 3 hours." The post was made at 4:04 PM the polls in Arizona closed at 7 PM. A constituent has every right to meet a candidate running for office. Ms. Romesburg does correctly state that this is two weeks before

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the Committee was formed, effectively negating her own "proof", therefore the entire point is without merit.

3) In a September 9 Twitter post, Joyce Clark identified Bea Wyatt as an official of her campaign. She wrote, "If you can help walking for my campaign, please contact Bea Wyatt..." On September 15, the day of the planned walk, Councilwoman Clark's Twitter post said, "Bea proved to be a thug extraordinaire today!"

This argument is without merit for a number of reasons;

1) The date of the tweet in question was before the committee was formed.
2) Ms. Wyatt is not an official of Glendale United.
3) When Ms. Wyatt was provided a copy of this complaint mentioning her, she requested from the Clark campaign an official statement of her position or non-position in councilmember Clark's campaign. CM Clark responded that Ms. Wyatt had no position official or otherwise in her campaign. (See Exhibit 4)

4) On September 12, Glendale United was formed with Geoff Anderla as chair and Taylor Stephens as treasurer. On September 21, GlendaleUnited.com was launched by George Fallar.

This is the correct date that the committee's paperwork presented to the city clerk's office. Mr. Fallar provided an in-kind donation form dated September 22, 2012 for his donation to the Committee as previously stipulated.

5) In a September 19 post on his personal webpage, nebulousverbosity.com Mr. Fallar was recruiting donations for Glendale United, and concluded by asking potential supports to "...contact Bea or me directly..." referring to Clark's volunteer coordinator, Bea Wyatt, and signed the post in his role in Glendale United. Such coordination between Glendale United and an official of the Clark campaign is prohibited.

Again, Ms. Romesburg has jumped to the same conclusions in her attempt to make associations that do not exist. All one needs to do is read the post that Mr. Fallar wrote and Ms. Romesburg provided. It is obvious to a reasonable person that Mr. Fallar is reaching out to a core group of hockey fans that "follow" him to help out by either donating money to Glendale United or by offering skills to assist in the effort to reelect Joyce Clark. This is not a violation of any portion of A.R.S. § 16-901. As previously stated, Mr. Fallar is not a part of Glendale United. Ms. Wyatt has provided evidence (Exhibit 4) that she is not a part of CM Clark's re-election campaign. What Mr. Fallar and his partner Ms. Wyatt do on their personal website is up to them. They may both avail themselves of the liberties afforded them under the First Amendment of the Constitution of the United States. This argument is without merit.

6) On September 21, George Fallar was using Twitter to recruit volunteers "To help Joyce Clark". Marc Frederick responds, "I can't tomorrow but please tell her I said hi." The implication is that Mr. Fallar was intending to meet Joyce Clark to conduct campaign work. As an official of the Glendale United independent committee, Mr. Fallar cannot be coordinating volunteer efforts with, or on behalf of the Clark campaign.

Mr. Fallar's full Tweet and the comments that go along with it are attached (See Exhibit 5). "So what Coyotes peeps are stepping up to helping Joyce Clark out tomorrow for a couple of hours, pay her back the debt we owe? Show of hands?". As we have stated already, Mr. Fallar is not a part of Glendale United, making this argument without merit.

Beyond that fact, Ms. Romesburg is basing her implication that Mr. Fallar was intending to meet Joyce Clark on a statement made by a third party unrelated to either person. Because CM Clark

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and Mr. Fallar have no control over Marc Frederick's statements, this insinuation is ludicrous on the face of it and should not be considered.

7) On September 22, Taylor Stephens, Glendale United treasurer, used Twitter to indicate she is walking Yucca district on behalf of Joyce Clark by stating she "got one turf down already... Take that, @BVWyatt." Joyce Clark thanks Ms Wyatt later that day, "My thanks to all ...that walked today." Taylor Stephens cannot participate in walks sponsored by Clark's campaign when acting as treasurer of an IE.

According to ARS 16-901 (14), there is no place in the statute that states a member of a committee cannot volunteer for anyone. The entire reason for this statute is so that candidates cannot run the direction of a political committee, or have influence over the independent expenditures.

(a) The statute clearly states that an official, member or agent (someone authorized to make expenditures) cannot be an officer, member, employee or agent of the candidate. Ms. Stephens volunteered for 4 hours on the 22nd of September. She is not and cannot be considered an officer, member, employee or agent of the candidate.

(b) There is/was no arrangement, coordination or direction provided regarding any expenditures. Nor is there a coordination of messages. (See Exhibits 6, 7 and 8) Exhibits 6 & 7 are from Glendale United, Exhibit 8 is the piece of literature that Ms. Stephens was distributing on the 22nd of September from the Clark campaign. There is obviously NO coordination of message in these three pieces of campaign literature, therefore this argument is without merit.

(c) In the same election the same person making the expenditure, including any officers (Mr. Anderla & Ms. Stephens) (i) have NOT been authorized to raise monies on behalf of the candidate or the candidates committee, nor (ii) received any form of compensation from the candidate, the candidate's committee or the candidate's agent.

(d) The expenditure is not based on information about the candidate's plans, projects or needs as these were NEVER discussed. Ms. Clark was not informed by Ms. Stephens that she was a member of Glendale United or that Glendale United even existed. Based on these points, Ms. Romesburg's argument is baseless and should not be considered.

8) On September 23, Bea Wyatt indicated via Twitter that Taylor Stephens is canvassing in Gdale...like the thug she is." Ms. Wyatt cannot coordinate voter outreach walks with Taylor Stephens, treasurer of IE.

The full text of the Tweet is: "@microcassettes Taylor bones kicking butt canvassing in Gdale...like the thug she is. #CoG #Glendale." Mrs. Romesburg would have no idea, since this is just an offhand comment by Ms. Wyatt, who, as previously stated, is NOT an official of the Clark campaign; this was walking Glendale regarding Prop 457 and not related in any way to the campaign of Joyce Clark. A cursory look at Ms. Wyatt's twitter account would see that nearly ALL tweets from the 22nd of September onward are directed to vote No On Prop 457. Ms. Romesburg's argument is without merit.

9) On September 29, Fallar said on twitter: "Thanks to @avsCoyotes12 (Tim Greene) for his donation to Joyce Clark's campaign we just received." It appears that while acting as an official for the Glendale United independent committee, Fallar was also soliciting funds for Clark's campaign fund.

We assume that Ms. Romesburg is attempting to say that we are in violation of ARS § 16-901 (14) (c) (i), since she didn't take the time to actually cite any statute. We deny violation of any

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statute. Again had Ms. Romesburg waited until the campaign finance report was filed, she would see that this donation was made to Glendale United. (See Exhibit 9 – Page 1 -Schedule A line b).

10) In a September 30 Twitter post, Fallar said "...thanks to charter thug @CoyotesMan for his contribution to the Clark campaign..." Geoff Anderla replies, "I wish I could do more." Again it appears that while acting as an official for the Glendale United independent committee, Fallar was also soliciting funds for Clark's campaign fund.

Again referring to the campaign finance report (Exhibit 9 Page 2 - Schedule A-1) you will find Mr. Anderla listed, making both of Ms. Romesburg's arguments without merit.

11) On October 9, Mr. Fallar engaged in a campaign-related Twitter exchange with Mr. Anderla and Bea Wyatt, who Joyce Clark had previously identified as her volunteer coordinator. The exchange began initially with a scatological reference to former President Bill Clinton, then focused on whether Clark's opponent, Sam Chavira, supported Proposition 457. This strategy discussion between officials of the IE and Clark campaign clearly constitutes coordination and is exactly the kind of activity Arizona's election laws are designed to prevent.

See page 11 of Ms. Romesburg's complaint for full text of tweets. On October 9, 2012, while en route to see former President Clinton in Mesa at the Carmona event, Mr. Anderla made a comment about two birds copulating and wanted to know if it was a good sign. The exchanges between Mr. Anderla, Mr. Fallar, and Ms. Wyatt started with this comment, and then Mr. Anderla stated he picked up his tickets for the President Clinton event at a Glendale democratic campaign office. While there, he noticed a table had been set up for Mr. Chavira. Mr. Anderla took a picture of the table and posted it on twitter. Mr. Anderla asked Mr. Fallar and Ms. Wyatt "if Chavira had come out in support of No on 457?", Ms. Wyatt "tweets" – "No he has not. Even though it will cost 250 jobs mostly by public safety. #VoteNoOnProp457!"

Besides misusing the word "scatological", Ms. Romesburg is again making the inaccurate assumption that Ms. Wyatt is a member of the Clark reelection campaign. Ms. Romesburg's claims are therefore without merit. We also contend that the above exchange, among others, could not possibly be construed by a reasonable person as anything like a "strategy discussion".

Ms. Romesburg's entire complaint is full of social media tweets that she has manipulated or used to jump to conclusions that fulfill her agenda. Why do we think that Ms. Romesburg has an agenda that she has not stated in her complaint?

Ms. Romesburg has endorsed Mr. Chavira, Mrs. Clark's opponent and donated money to his campaign. (See Exhibit 10)

Ms. Romesburg has circulated petitions for the Sales Tax Initiative (I-12-01) that is now Proposition 457 (See Exhibit 11). Mr. Anderla, Glendale United's chairman, posted an "Against Argument" in the voter election guide, encouraging residents to vote NO on prop 457. (See Exhibit 12)

Ms. Romesburg is a part of the Glendale Tea Party Patriots and she has moderated at least some of the debates during this election cycle. (See Exhibit 13 & 14)

Schedule D-1 of the campaign finance report (exhibit 15) shows that Glendale United has listed its expenditures for two mailings (Exhibits 6 & 7) Exhibit 7 is a blue 6"x11" mailer that has a header "Who is Sam Chavira?". There are two screen shot pictures at the bottom of the mailer.

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The first is a Facebook status screen shot where Sam Chavira says: "I enjoyed discussing the issues facing Glendale at the forum hosted by the Glendale Tea Party." The second is a twitter screen shot where Mr. Chavira states: "I am proud to announce the official support of former candidate Walt Opaska. Walt understands my..." along with the tag – "Maybe Sam has been hanging around with his new Tea Party friends too much recently". This mailer is references that Mr. Chavira opposes the sales tax increase.

We believe that Ms. Romesburg has been made aware of these mailers which were sent to the candidate she supports via certified mail in accordance with ARS § 16-917 (a). We believe that she was unhappy with the reference to the Tea Party, as well as the reference to defeating the Proposition that she collected 32 valid signatures in favor of.

This entire complaint is invalid and frivolous, not because election fraud is not a worthwhile pursuit, but because this complaint is an abuse of the process specifically calculated to intimidate and harass not only Glendale United's grassroots committee, Mr. Anderla and Ms. Stephens, but by extension Councilmember Clark, Mr. Fallar and Ms. Wyatt.

We unequivocally state that neither Mr. Anderla nor Ms. Stephens are now nor have ever been a member of the Clark campaign.

We unequivocally state that there has not been any arrangement, coordination or direction from the Clark campaign regarding the independent expenditures that we sent out on Friday the 12 October, 2012 or any other pieces that we have designed or prepared for distribution.

We unequivocally state that Glendale United has not raised, nor been authorized to raise funds for the Clark campaign.

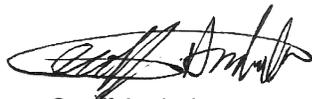
We unequivocally declare that there has been NO form of compensation or reimbursement from the Clark campaign, employees of the Clark campaign, or Councilmember Clark herself with regard to the expenditures or anything else.

It is for these reasons; we ask that you find the complaint filed by Ms. Romesburg on October 18, 2012 to be without merit, and as there is **no** reasonable cause to believe that Glendale United has committed any violation of the campaign finance laws, we request that this complaint be disposed of immediately.

Respectfully,

Taylor Stephens
Treasurer
Glendale United

and



Geoff Anderla
Chairman
Glendale United.