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April 29, 2013

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VIA FEDERAL EXPRESS

Dwight Adams
Treasurer
Richmond One Opposing Tom Butt for City Council
4931 Bayview Avenue
Richmond, CA 94804

Dear Mr. Adams:

I write to you in your capacity as the treasurer of the Richmond One Committee Opposing Tom Butt for City Council (I.D. No. 1353159; "Committee"). The Committee is a "primarily formed recipient committee" established pursuant to the California Political Reform Act (Gov. Code sections 81000 *et seq.*) to oppose the election of Tom Butt for Richmond City Council in the November 2012 election.

As I explained to you during our initial telephone conversation on January 14, 2013, a complaint ("Complaint") was filed with the Richmond City Attorney alleging that the Committee violated certain campaign finance requirements of the Richmond Municipal Code. Briefly stated, the complaint alleges that (1) the Committee failed to timely file a "Form 460" campaign report due on November 2, 2012 (R.M.C. section 2.38.030); (2) the Committee underreported the value of certain in-kind contributions and expenditures on the Form 460 the Committee filed with the Richmond City Clerk on November 6, 2012 (R.M.C. section 2.38.030); (3) the Committee failed to include information disclaimers on its mass mailings that were required based on the true cost of the mailings (R.M.C. section 2.42.075); and (4) certain items appearing on the Form 460 filed with the Richmond City Clerk on November 6, 2012 were not properly reported (R.M.C. section 2.38.030). A copy of the Complaint, filed by Tom Butt, can be found on the internet at <http://www.tombutt.com/forum/2012/121125.html>.

As I explained during our January 14 telephone conversation, as well as subsequent letters to you, the Richmond City Attorney retained our firm to investigate the Complaint's allegations, and to make a recommendation to him about resolution of the Complaint. I have also sought on numerous occasions to set up a time when I could interview you about the Complaint's allegations, given that you were the Committee treasurer, had signed the Committee's campaign finance reports (under penalty of perjury), and had certain statutory duties as the Committee's treasurer.





Mr. Adams
April 29, 2013
Page 2

Despite my repeated requests, you have declined to meet with me to provide information about this matter, or to discuss possible resolution of the allegations made by Mr. Butt in his complaint. Accordingly, I was required to conduct my investigation without your cooperation.

Based on the information I obtained during the course of my investigation, I have concluded that the Committee was required to include the disclaimer information required by Richmond Municipal Code section 2.42.075 on a mailer sent to approximately 21,000 Richmond voters on or about October 30, 2012. That mailer, which urged the defeat of Tom Butt for Richmond City Council, did not contain the required disclaimer information.

Accordingly, I recommended to the Richmond City that a civil court action be filed to remedy the Committee's violation of R.M.C. section 2.42.075. The City Attorney concurred in that recommendation, and a court complaint was filed earlier today, a courtesy copy of which is enclosed. Because R.M.C. section 2.42.080 imposes liability on both a committee that violates Section 2.42.075, as well as its treasurer, both the Committee and you are named as defendants in the court complaint.

After discussing this matter with the City Attorney, I am providing you with a courtesy copy of the complaint filed today, rather than officially serving it on you, in the continued hope that we can discuss and possibly resolve this matter without any further court proceedings. This decision means that your time to officially respond to the complaint in court has not yet started. If, however, you fail to contact me by close of business on Monday, May 6, 2013, both the Committee and you will be officially served with these court documents.

I look forward to discussing this matter with you at your earliest convenience. You can reach me at (415) 678-3814, or by email at rriddle@publiclawgroup.com.

Thank you for your prompt attention to this matter.

Very truly yours,

Randy Riddle

cc: Bruce Goodmiller
Richmond City Attorney

