



STEPHEN CODY

December 12, 2007

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2007 DEC 19 PM 5:13  
MIAMI DADE COUNTY  
ELECTIONS DEPARTMENT

Mr. Lester Sola  
Supervisor of Elections, Miami-Dade County  
2700 NW 87th Avenue  
Miami, Florida 33172

RE: Citizens to Protect the People's Choice

Dear Mr. Sola:

Please accept this letter as a response to the letter of November 16, 2007 that you addressed to Daniel Hernandez, the campaign treasurer for Citizens to Protect the People's Choice (hereinafter "CPPC"). Mr. Hernandez and Mr. Phillip Frost were out of town at various times, which has delayed my responding to your letter.

Specifically, you requested comment on a notation on the "Form DS-DE14-Itemized Expenditures -- Item (8)" for the period of January 1, 2007 to March 31, 2007. There is no expenditure on the 8<sup>th</sup> line of the page related to expenditures. However, I have spoken with Maria Acosta from your Department who informed me that your Department's concern was actually with sequence number 2, an amount dispersed to Working Families Count, Inc. (hereinafter "WFC") on January 9, 2007.

As you are aware, CPPC is a political committee that registered with your office on or about May 3, 2006. The committee was formed because various persons and political committees stated an intent to seek the eventual recall of all 13 of the Miami-Dade County Commissioners. Two political committees were formed in Miami-Dade County advocating the recall of Miami-Dade County Commissioners. My understanding is that neither the CPPC nor the other two entities have been dissolved. Thus, the potential recall of Miami-Dade County Commissioners remains an issue of concern in the County.

Even though was created as a "for profit" Florida corporation, WPC registered as an Electioneering Communications Organization with the Division of Elections of the Florida Department of State. It has also qualified as a section 527 organization under the Internal Revenue Code.

CPPC meets the definition of a "political committee" under section 106.011(1)(a) in that it "[a]ccepts contributions for the purpose of making contributions to any candidate, political committee, committee of continuous existence, or political party", "[a]ccepts contributions for

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the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue” , and [m]akes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue”. Opposition to the recall of Miami-Dade County Commissioners is among the issues that CPPC opposes.

WPC meets the definition of an “electioneering communications organization” which means “any group, other than a political party, political committee, or committee of continuous existence, whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications.”

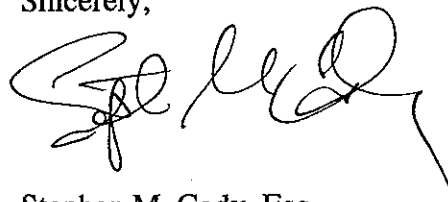
Further, “contribution” is defined in the Florida Election Code to include a “transfer of funds between political committees, between committees of continuous existence, between electioneering communications organizations, or **between any combination of these groups.**”

Although designated as a “donation”, the amount paid by CPPC to WPC was for electioneering communication activities and might have been more properly designated as a “contribution” under the Election Code.

Please contact me if you would like any further information regarding the Citizens to Protect the People’s Choice or, if in light of this, whether you require the filing of an amendment to the Q1-07 report to reflect the payment as a “contribution”.

I appreciate your attention to this matter.

Sincerely,



Stephen M. Cody, Esq.

cc: Daniel Hernandez

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