

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

PUBLIC CITIZEN, INC., *et al.*, )  
 )  
 Plaintiffs, )  
 )  
 v. ) Civil Action No. 8:01-CV-943-T-23TGW  
 )  
 PINELLAS COUNTY, *et al.*, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**SECOND DECLARATION OF CHARLES G. HARDIN**

I, Charles G. Hardin, state the following facts under oath of my own personal knowledge and am competent to testify to the following:

1. I am a duly elected member of the Board of Directors of American Charities for Reasonable Fundraising Regulation (ACFRFR) and am authorized to speak on its behalf.

2. ACFRFR is an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. ACFRFR is a coalition of nonprofit organizations, their national associations, professional fundraising consultants, national associations, and the supporters of both formed for the purpose of combating excessive regulation. ACFRFR does not solicit donations from the public or conduct business in Pinellas County, Florida or maintain an office or any other physical presence in Pinellas County.

3. ACFRFR represents its member and supporter charitable organizations in this lawsuit. Many of these charities conduct direct mail public education and solicitation campaigns throughout the United States, including in Pinellas County, Florida; solicit donations by telephone or on their Internet websites; and receive contributions from Pinellas County residents

via the Internet, over the telephone, and through the United States mails. Some of these charities have received letters from Pinellas County threatening sanctions and other enforcement action if they fail to comply with its redundant, burdensome, and onerous registration and reporting requirements.

4. These charities have responded in different ways to the County's threats of prosecution. Some groups have refused to register to solicit charitable contributions in the County. Others registered at one point, but then decided not to renew their permits. Other groups have registered in the face of threatened sanctions by the County and the risk of injury to their reputations in the community if they failed to do so, but believe that the County's registration process and reporting requirements are unlawful, coercive, and wrong. Still others have decided to limit or suppress altogether their solicitation activity in the County to avoid the requirement of registration. Those charities that have chosen to register in the County have faced significant additional burdens and expenses. Those that have curtailed or suppressed their solicitation activity in the County have lost opportunities to engage both in protected speech and interstate commerce as a direct result of the Ordinance.

5. In the view of many of ACFRFR's member and supporter charities, the Pinellas County registration and reporting requirements, as set out in the County's charitable solicitation ordinance and accompanying forms, both substantially duplicate what is required by the State of Florida and impose additional registration and reporting requirements that are tremendously burdensome. Moreover, the complexity of many of the questions on the forms and the lack of clarity regarding what is required only serve to increase the transaction costs and the uncertainties of compliance.

6. I second the view expressed in the Second Declaration of Lee Cassidy ¶ 12 when he points out that it would be impossible for even the largest of charities to communicate with current and potential members and to raise funds nationally to support their missions if even a small percentage of local governments enacted legislation imposing registration and reporting requirements of the nature required by Pinellas County.

7. Pursuant to 28 U.S.C. ' 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on \_\_\_\_\_.

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Charles G. Hardin  
Member of the Board of Directors  
American Charities for Reasonable  
Fundraising Regulation