

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.)
 _____)

AFFIDAVIT OF KELLY BROWNING

The following affidavit is tendered in support of plaintiffs’ Motion for Summary Judgment.

I, being duly sworn, do hereby affirm and swear that the following is true to the best of my knowledge and belief:

1. My name is Kelly Browning, and I am of lawful age to make this affidavit. I am currently Executive Vice President of American Institute for Cancer Research (“AICR”) a nonprofit charity located at 1759 R Street NW, Washington, D.C. 20009, and my telephone number is 202-328-7744.

2. I supervise our direct response fundraising program and have the responsibility of insuring that AICR is registered with the various states and localities that require such registration. I am therefore familiar with the registration process in Pinellas County and how it compares to the registration process in the various states that require such registration.

3. AICR is both a member of the Direct Marketing Association – Nonprofit Federation and also a supporter of American Charities for Reasonable Fundraising Regulation.

4. AICR is registered in Pinellas County as a charity permitted to solicit charitable gifts and is in the process of renewing its permit.

5. In my experience, complying with the registration requirements of Pinellas County is cumbersome, burdensome, and difficult. It takes an unnecessarily long time compared to other jurisdictions where AICR registers to solicit charitable gifts. The public can just as easily retrieve information about AICR from other sources, and because it is the donors' funds that are being consumed by this unnecessary regulation, it is these beneficiaries of AICR's services that are hurt by this excessive regulation. Pinellas County seems to emphasize the costs of fundraising and administration on their website, yet Pinellas increases those costs by their own regulatory scheme.

6. Not only does the Pinellas County charitable solicitations ordinance impose direct burdens on AICR in terms of what we have to provide the County to obtain a permit, but it affects AICR's ability to solicit in the County in other ways. The professional fundraisers with which AICR contracts to conduct its direct mail campaign and its telephone solicitation campaign find the Pinellas County regulations so burdensome, expensive, and time-consuming that they refuse to register there. (One of our solicitors had previously registered, but has decided not to renew because of the onerousness of the County's regulatory regime). As a result, these fundraisers have suppressed Pinellas County residents from AICR's mail and telemarketing campaigns, severely limiting AICR's avenues for communicating with Pinellas County residents to whatever little we can accomplish in-house.

7. I am familiar with the registration requirements of the State of Florida and of other states and several localities. AICR is registered with Florida. Registering with and

reporting to Pinellas County is redundant and provides no benefit to the citizens of that County because the same information AICR provides to the County is available to the public not only from the State of Florida and other states, but from Guidestar, www.guidestar.org; from AICR whenever we receive inquiries requesting copies of our IRS Form 990 tax return; and from various other sources. In the State of Florida alone, AICR currently registers with the State of Florida Department of Agriculture & Consumer Services (\$400 fee), Pinellas County (\$120 fee), Duval County (\$15 fee), and the State of Florida Division of Corporations (\$61.25 fee).

8. Registration with Pinellas County is also more expensive than all but ten of the approximately forty-two states that require registration. AICR receives no benefit for the fee charged by Pinellas County, and were it not for threats of legal enforcement by Pinellas County, AICR would, if registration were voluntary, refuse to register.

9. AICR has a website (<http://www.aicr.org>). We encourage charitable donations on our website although on-line giving is not currently available; however, we expect it to be available in the very near future.

10. 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 and belief.

Further your affiant sayeth not.

Kelly Browning

Sworn to and subscribed before me, a notary public in the District of Columbia

Date: April ____, 2002

[SEAL]

Notary Public

My commission expires _____