

Elton Gallegly

for Congress

April 9, 2009

Ms. Amy Rothstein
Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

AOR 2009-08

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Ms. Rothstein:

I am writing to seek an advisory opinion from the Federal Election Commission regarding a serious incident that started during my campaign for the House of Representatives in 2008.

Last year, during my re-election campaign to the House, my wife, Janice Gallegly, who is my campaign manager, was approached by a person ("the individual") in a threatening manner. As a result of these actions, a judge in Ventura County, California issued a restraining order against the individual. The individual violated the terms of this restraining order by approaching my home and hiding in the bushes near the front door in the early hours of the morning before daylight after I had left for the airport to fly to Washington D.C. The individual was discovered after our dog began barking, waking up my wife, who then called the police. The police came and found the individual in the bushes. He was arrested and convicted for violating his restraining order and served thirty days in jail. After his release, the individual violated the terms of his probation and was subsequently arrested. This time his bail was set at \$100,000. The judge cited the risk the individual posed to my family's safety as the reason for setting bail at this higher level.

In addition to making repeated threats to my wife, the individual is an admitted methamphetamine user.

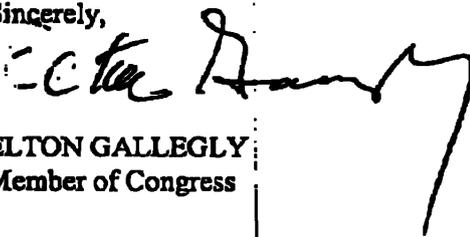
Upon reviewing these incidents, the United States Capitol Police has recommended enhanced security on my property.

Since these incidents started during my Congressional campaign, involved my wife, who manages my campaign, and are clearly a threat to the safety of me and my family, I would like to inquire whether the costs associated with an upgrade of the security system can be paid from campaign funds.

If you have any questions or need additional information, please call me at
you for your review of this matter.

Thank

Sincerely,



ELTON GALLEGLY
Member of Congress

Enclosure



04/14/2009 11:00 AM

To
cc
bcc

Subject RE: summary of facts for Gallegly for Congress Advisory
Opinion Request

Dear Ms. Heiden
I authorize the statement of facts to be posted on the website.
Rep. Elton Gallegly

From:
Sent: Tuesday, April 14, 2009 7:57 AM
To:
Subject: summary of facts for Gallegly for Congress Advisory Opinion Request

Dear Congressman Gallegly:

In response to our telephone conversation on April 9, 2009, you provided us with additional information regarding your request for an advisory opinion. We have set out below a summary of the relevant facts from the information you provided to us. Please review the statements below and either confirm their accuracy or correct any misperceptions. Additionally, please let us know in your response whether you consent to have all of these facts placed on the public record, or if there are any facts that you do not consent to having placed on the public record.

- 1) You and your wife first became aware of the person who has been harassing your wife ("individual") on October 23, 2008, when he approached your wife at your personal residence in California, claiming to be a gardener. Your wife told him that she had no work for him, and asked him to leave. He left your property.
- 2) On October 27, 2008, your wife found an unstamped letter in the mailbox at your personal residence in California, signed by the individual. The envelope of the October 27 letter was hand-addressed "To: Elton and republican party." The letter referenced the "republic party" (sic), and demanded that the individual be allowed to stay "at your place or anywhere filled with republicans for a guaranteed win of office." The letter stated that a "duplicate" letter would "go out to the Democrats," and that the individual would "stop by tonight." The letter referenced the incident in which the individual came to your house claiming to be a gardener and spoke with your wife, and stated that on that day "republic counts jumped drumatically" (sic).
- 3) Upon finding the October 27 letter, your wife contacted the police department. The individual was told by the police not to go to your residence or contact you.
- 4) On November 7, 2008, the individual entered your property again. A neighbor spotted him, and contacted the police.

5) Following the November 7 incident, your wife obtained a Restraining Order and Order to Stop Harassment against the individual.

6) The individual violated the terms of the Restraining Order by hiding in the bushes outside of your house in the early morning hours.

7) Your wife called the police, and the individual was arrested and convicted of violating the Restraining Order.

8) After serving thirty days in jail for violating the Restraining Order, the individual was released.

9) After his release, the individual violated the terms of his probation, and was arrested again.

10) Citing the risk to you and your family's safety, the judge set the individual's bail at \$100,000.

11) You notified the U.S. Capitol Police about these incidents, and the U.S. Capitol Police recommended various upgrades to your home security system.

12) The security upgrades that you contemplate would cost between \$6,000 and \$7,500, would not involve any structural improvements to your property, and are not intended to increase the value of your property.

We would appreciate your response by email. Thank you very much for your cooperation.

Esther Heiden
Office of General Counsel, Policy Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463