

BEFORE THE FEDERAL ELECTION COMMISSION

CAMPAIGN LEGAL CENTER
ROGER G. WIEAND
1101 14th Street NW, Suite 400
Washington, DC 20005

v. MUR No. _____

SAVE OUR HOME PLANET ACTION, INC.
259 W. Santa Clara Street
Ventura, CA 93001-2545

ANY UNKNOWN PERSON(S)
who made a contribution to SMP, LCV
Victory Fund, HMP, FF PAC, and The PAC
for America's Future in the name of Save
Our Home Planet Action, Inc.

COMPLAINT

1. Save Our Home Planet Action, Inc. ("SOHPA") a Delaware corporate entity formed on August 6, 2024, appears to have been used as a "straw donor"—an intermediary person or entity designed to unlawfully conceal the identity of the true donor—to make five contributions totaling over \$1.4 million during the 2024 election cycle. Beginning with a whopping \$875,000 in contributions made just *ten days* after its formation, SOHPA purported to contribute \$1.425 million to federal super PACs and hybrid PACs between August 16, 2024, and September 4, 2024. There is no publicly available information indicating that SOHPA conducted any business or other activity between its formation and this torrent of election spending, from which it could have generated sufficient funds to contribute \$1.425 million without someone (*i.e.*, the true contributor) transferring funds to SOHPA for that purpose.
2. As such, there is reason to believe SOHPA was not the true source of the funds contributed in its name, and was instead established and used as a straw donor by one or

more unknown persons to make \$1.425 million in federal political contributions while concealing the true contributors' identities. This straw donor scheme violates federal campaign finance laws that uphold basic electoral transparency and protect Americans' right to know who is spending money to influence our elections.

3. In addition, the address disclosed in connection with each of the five contributions made in SOHPA's name is the corporate headquarters of Patagonia, Inc, an outdoor recreation company that has publicly stated its mission and purpose is "to save our home planet"—the very phrase SOHPA adopted as its corporate name. These circumstances plainly suggest that Patagonia and/or one or more of its owners, executives, or employees may, in fact, be the unknown true source(s) that provided sufficient funds to SOHPA for it to contribute over \$1.4 million while concealing their identities.
4. Accordingly, there is reason to believe that SOHPA and the unknown true contributors violated 52 U.S.C. § 30122, which prohibits making or knowingly permitting one's name to be used to effect a contribution in the name of another.¹
5. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that SOHPA, and any persons that created, operated, or made contributions in the name of SOHPA, violated the Federal Election Campaign Act ("FECA"), 52 U.S.C. § 30101, *et seq.* "If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [FECA] . . . [t]he Commission *shall make an investigation* of such alleged violation."²

¹ See 52 U.S.C. § 30122.

² *Id.* § 30109(a)(2) (emphasis added); see also 11 C.F.R. § 111.4(a).

FACTUAL BACKGROUND

6. Save Our Home Planet Action, Inc. was organized in Delaware as an exempt corporation on August 6, 2024, and its registered agent is the Corporation Trust Company.³
7. SOHPA does not appear to have any discernible public footprint:
 - a. Searches on Google provide no results that originate from SOHPA itself or that detail any activity by SOHPA; the only relevant results detail SOHPA's contributions, corporate registration, and a statement by Patagonia which uses the phrase "save our home planet."
 - b. SOHPA does not appear to have a public website, or any account or page on Facebook, Instagram, or X (formerly known as Twitter).
 - c. There is no record of SOHPA in searches with the Better Business Bureau,⁴ Bloomberg,⁵ EDGAR,⁶ or the Ventura Chamber of Commerce—the local chamber of commerce for SOHPA's reported address in committee disclosures.⁷
8. As summarized in the table below, five different federal political committees—SMP, LCV Victory Fund, HMP, FF PAC, and The PAC for America's Future (two independent-expenditure only political committees, commonly known as "super PACs," and three "hybrid" PACs that maintain a non-contribution account functionally identical

³ "Save Our Home Planet Action, Inc.," Entity Details, DE Dep't of State: Div. of Corps. (attached as Exhibit A).

⁴ See Better Business Bureau, <https://www.bbb.org/search/> (last visited May 6, 2024).

⁵ See Bloomberg, Company Search, <https://www.bloomberg.com/> (last visited Nov. 13, 2024).

⁶ U.S. Securities and Exchange Commission, EDGAR, <https://www.sec.gov/edgar/search/> (last visited Nov. 13, 2024).

⁷ Ventura Chamber of Commerce, Search for a Member (search for "Save Our Home Planet"), <https://ventura.chambermaster.com/list/search?q=save+our+home+planet&c=&sa=False> (last visited Nov. 13, 2024).

to a super PAC, which are collectively referred to hereafter as “the Committees”⁸)—
 reported receiving a total of \$1,425,000 in contributions from SOHPA between August
 16, 2024, and September 4, 2024.⁹

Date	Recipient Committee	Contribution Amount
8/16/24	SMP	\$450,000
8/16/24	LCV VICTORY FUND	\$425,000
8/19/24	HMP	\$450,000
8/26/24	FF PAC	\$50,000
9/4/24	THE PAC FOR AMERICA’S FUTURE	\$50,000
Total		\$1,425,000

⁸ The two independent-expenditure-only committees are SMP and Rebecca Lambe in her official capacity as treasurer (which registered with the FEC as “Commonsense Ten” on June 11, 2010, and subsequently renamed itself) and LCV Victory Fund and Titi Sonekan in her official capacity as treasurer (which registered with the FEC on July 30, 2010). *See* Commonsense Ten, Statement of Org. at 1 (Jun. 11, 2010), <https://docquery.fec.gov/pdf/921/10030344921/10030344921.pdf>; SMP, Amend. Statement of Org. at 1, 2 (Jan. 31, 2024), <https://docquery.fec.gov/pdf/738/202401319619373738/202401319619373738.pdf>; League of Conservation Voters Victory Fund, Statement of Org. at 2, 3 (Jul. 30, 2010), <https://docquery.fec.gov/pdf/338/10030400338/10030400338.pdf>; LCV Victory Fund, Amend. Statement of Org. at 1 (Dec. 19, 2022), <https://docquery.fec.gov/pdf/886/202212229574206886/202212229574206886.pdf>. The hybrid PACs are HMP and Brian Wolff in his official capacity as treasurer (which registered with the FEC originally as a super PAC on April 8, 2011, but then converted to a hybrid PAC), FF PAC and Chauncy McLean in his official capacity as treasurer (which registered with the FEC on February 8, 2018), and PAC for America’s Future and John Raskin in his official capacity as treasurer (which registered with the FEC originally as a super PAC named “Future Now” on October 28, 2017, but then renamed itself and converted to a hybrid PAC). *See* House Majority PAC, Statement of Org. at 2, 3 (August 20, 2024), <https://docquery.fec.gov/pdf/035/11030591035/11030591035.pdf>; HMP, Amended Statement of Org. at 1 (Dec. 22, 2022), <https://docquery.fec.gov/pdf/470/202408209674127470/202408209674127470.pdf>; Future Forward USA PAC, Statement of Org. at 1, 2 (Feb. 8, 2018), <https://docquery.fec.gov/pdf/770/201802089094272770/201802089094272770.pdf>; FF PAC, Amend. Statement of Org. at 1, 2 (Sep. 20, 2020), <https://docquery.fec.gov/pdf/224/202009209275576224/202009209275576224.pdf>; Future Now, Statement of Org. at 1, 2 (Oct. 28, 2017), <https://docquery.fec.gov/pdf/089/201708289071129089/201708289071129089.pdf>; The PAC for America’s Future, Amend. Statement of Org. at 1 (Sep. 14, 2021), <https://docquery.fec.gov/pdf/019/202109149466679019/202109149466679019.pdf>.

⁹ *See* SMP, 2024 October Quarterly Report at 10490 (Oct. 15, 2024), <https://docquery.fec.gov/cgi-bin/fecimg/?202410159698261498> (reporting a \$450,000 contribution from SOHPA on August 16, 2024); LCV Victory Fund, 2024 September Monthly Report at 79 (Sep. 20, 2024), <https://docquery.fec.gov/cgi-bin/fecimg/?202409209684211684> (reporting a \$425,000 contribution from SOHPA on August 16, 2024); HMP, 2024 September Monthly Report at 10420 (Sep. 20, 2024), <https://docquery.fec.gov/cgi-bin/fecimg/?202409209684669709> (reporting a \$450,000 contribution from SOHPA on August 19, 2024); FF PAC, 2024 September Monthly Report at 15 (Sep. 20, 2024), <https://docquery.fec.gov/cgi-bin/fecimg/?202409209684657768> (reporting a \$50,000 contribution from SOHPA on August 26, 2024); The PAC for America’s Future, 2024 October Quarterly Report at 3196 (Oct. 9, 2024), <https://docquery.fec.gov/cgi-bin/fecimg/?202410159687924955> (reporting a \$50,000 contribution from SOHPA on September 4, 2024).

9. The address provided in connection with each contribution made in SOHPA's name is "259 W Santa Clara St, Ventura, CA, 93001-2545."¹⁰ Patagonia, Inc., a manufacturer and retailer of outdoor recreation goods, lists this address on its website as their "corporate office."¹¹
10. In a 2022 article on Patagonia's ownership, company founder Yvon Chouinard stated that "in 2018, we changed the company's purpose to: we're in business to save our home planet."¹² The company and its executives have repeated variations on this mantra elsewhere, including on Patagonia's "Our Core Values" page ("protect our home planet" is a section header).¹³ It has also sold clothing with the "Save Our Home Planet" motto printed below the Patagonia logo.¹⁴

SUMMARY OF THE LAW

11. FECA provides that "[n]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution and no person shall knowingly accept a contribution made by one person in the name of another person."¹⁵

¹⁰ See, e.g., FF PAC, 2024 September Monthly Report at 15 (Sep. 20, 2024), <https://docquery.fec.gov/cgi-bin/fecimg/?202409209684657768>.

¹¹ See *Patagonia Help Center*, Patagonia, <https://help.patagonia.com/s/> (last visited Nov. 14, 2024) (attached as Exhibit B).

¹² Yvon Chouinard, *Earth is Now Our Only Shareholder*, Patagonia, <https://www.patagonia.com/ownership/> (last visited Nov. 14, 2024).

¹³ See *Our Core Values*, Patagonia, <https://www.patagonia.com/core-values/> (last visited Nov. 14, 2024).

¹⁴ See *Men's P-6 Mission Organic T-Shirt*, Patagonia, <https://www.patagonia.com/mx/product/mens-p-6-mission-organic-t-shirt/37529.html> (last visited Nov. 14, 2024) (archived at <https://web.archive.org/web/20240423082856/https://www.patagonia.com/mx/product/mens-p-6-mission-organic-t-shirt/37529.html>).

¹⁵ 52 U.S.C. § 30122.

12. The Commission regulation implementing the statutory prohibition provides the following examples of contributions in the name of another:
- a. “Giving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing of value to the recipient candidate or committee at the time the contribution is made.”
 - b. “Making a contribution of money or anything of value and attributing as the source of the money or thing of value another person when in fact the contributor is the source.”¹⁶
13. The requirement that a contribution be made in the name of its true source promotes Congress’s objective of ensuring the complete and accurate disclosure by candidates and committees of the political contributions they receive,¹⁷ and ensures that the public and complainants are fully informed about the true sources of political contributions and expenditures. Such transparency also enables voters, including complainant Wieand, to have the information necessary to evaluate candidates for office, “make informed decisions[,] and give proper weight to different speakers and messages.”¹⁸
14. FECA and Commission regulations provide that a person who furnishes another with funds for the purpose of contributing to a candidate or committee “makes” the resulting contribution, whether funds are advanced to another person to make a contribution in that

¹⁶ 11 C.F.R. § 110.4(b)(2)(i)-(ii).

¹⁷ *United States v. O’Donnell*, 608 F.3d 546, 553 (9th Cir. 2010) (“[T]he congressional purpose behind [Section 30122]—to ensure the complete and accurate disclosure of the contributors who finance federal elections—is plain.”); *Mariani v. United States*, 212 F.3d 761, 775 (3d Cir. 2000) (rejecting constitutional challenge to section 30122 in light of the compelling governmental interest in disclosure).

¹⁸ *Citizens United v. FEC*, 558 U.S. 310, 369–71 (2010).

person's name or promised as reimbursement of a solicited contribution.¹⁹ Moreover, the "key issue . . . is the source of the funds" and, therefore, the legal status of the funds when conveyed from a conduit to the ultimate recipient is "irrelevant to a determination of who 'made' the contribution for the purposes of [Section 30122]."²⁰

15. On April 1, 2016, then-Chair Petersen and then-Commissioners Hunter and Goodman issued a Statement of Reasons explaining their view regarding "the appropriate standard" to apply "in future matters" raising the allegation that an LLC was used to facilitate a contribution in the name of another.²¹ The Commissioners explained that in their view, "the proper focus in these matters is whether the funds used to make a contribution were intentionally funneled through a closely held corporation or corporate LLC for the purpose of making a contribution that evades the Act's reporting requirements, making the individual, not the corporation or corporate LLC, the true source of the funds."²² The relevant factors that these Commissioners indicated they would consider included:

[whether] there is evidence indicating that the corporate entity did not have income from assets, investment earnings, business revenues, or bona fide capital investments, or was created and operated for the sole purpose of making political contributions.

¹⁹ See *United States v. Boender*, 649 F.3d 650, 660 (7th Cir. 2011) (holding that to determine who made a contribution "we consider the giver to be the source of the gift, not any intermediary who simply conveys the gift from the donor to the donee."); *O'Donnell*, 608 F.3d at 550, 555; *Goland v. United States*, 903 F.2d 1247, 1251 (9th Cir. 1990) ("[FECA] prohibits the use of 'conduits' to circumvent . . . [reporting] restrictions.").

²⁰ *United States v. Whittemore*, 776 F.3d 1074, 1080 (9th Cir. 2015) (holding that defendant's "unconditional gifts" to relatives and employees, along with the suggestion they contribute the funds to a specific political committee, violated Section 30122 because the source of the funds remained the individual who provided them to the putative contributors).

²¹ Statement of Reasons of Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Lee E. Goodman at 2, MURs 6485, 6487, 6488, 6711, 6930 (Apr. 1, 2016), <https://www.fec.gov/files/legal/murs/6487/16044391129.pdf>.

²² *Id.*

These facts would suggest the corporate entity is a straw donor and not the true source of the contribution.²³

16. An April 15, 2022, Statement of Reasons by then-Chairman Allen Dickerson, then-Vice Chair Steven T. Walther, and Commissioners Shana M. Broussard and Ellen L.

Weintraub reiterated that the public is now on notice that FECA’s straw donor ban and Commission regulations implementing that provision — *i.e.*, the “conduit contribution rules” — apply when LLCs purport to make contributions to IEOPCs:

[T]he Commission [previously] did not agree whether, following *Citizens United* and *SpeechNow.org v. FEC*, respondent committees had received adequate notice that the Commission’s LLC reporting rules and conduit contribution rules applied to contributions made to the newly formed IEOPCs authorized by those judicial rulings. With the passage of time, IEOPCs have become a regular part of the campaign finance landscape, and adequate notice to the public now exists. Consequently, there is *no longer a lack of clarity* concerning the application of LLC reporting rules and conduit contribution rules in these circumstances.²⁴

Accordingly, the FEC has made clear that the public is “on notice” that the straw donor ban applies in such circumstances, and thus prohibits any person from funneling a contribution to an IEOPC through an LLC.

17. In MUR 7903, the Commission found reason to believe that “Tomfoolery LLC” and its single member, Thomas Chavez, violated Section 30122 when Chavez provided funds to the LLC for it to make contributions in its name to a super PAC; the Commission found that “Tomfoolery was not the true source of the combined \$75,000 that it facially appeared to give to [the super PAC], but instead served as an instrument to convey

²³ *Id.* at 12.

²⁴ Statement of Reasons of Chairman Allen Dickerson, Vice Chair Steven T. Walther, Commissioner Shana M. Broussard, and Commissioner Ellen L. Weintraub at 2, MUR 7454 (Apr. 15, 2022) (emphases added), https://www.fec.gov/files/legal/murs/7454/7454_36.pdf.

Chavez’s funds to [the super PAC] without publicly disclosing his identity.”²⁵ The Commission subsequently entered into a conciliation agreement with Tomfoolery LLC and Chavez, which included a \$25,000 civil penalty.²⁶

18. Straw donor contributions like those alleged here are serious violations of federal campaign finance law that have led to criminal indictments and convictions.²⁷ As explained in one such indictment, the straw donor ban works in tandem with other campaign finance laws to protect the integrity of our electoral system and to ensure that all candidates, campaign committees, federal regulators, and the public are informed of the true sources of money spent to influence federal elections.²⁸ Another indictment highlighted how straw donor schemes have been used to skirt FECA’s source prohibitions, such as the ban on contributions by government contractors.²⁹
19. Even for contributions that would otherwise be legal—*i.e.*, contributions that would not be prohibited or excessive, if made in the true contributor’s own name—the prohibition of contributions in the name of another serves FECA’s core transparency purposes by

²⁵ Factual and Legal Analysis at 7, MUR 7903 (Tomfoolery LLC, *et al.*), https://www.fec.gov/files/legal/murs/7903/7903_13.pdf (“Tomfoolery F&LA”).

²⁶ See Conciliation Agreement ¶ VI, MUR 7903 (Tomfoolery LLC, *et al.*), https://www.fec.gov/files/legal/murs/7903/7903_16.pdf.

²⁷ See Colin Moynihan, *Lev Parnas, Ex-Giuliani Ally, Is Convicted of Campaign Finance Charges*, N.Y. Times (Oct. 22, 2021), <https://www.nytimes.com/2021/10/22/nyregion/lev-parnas-guilty-giuliani.html>; Dep’t of Justice, *Lev Parnas and Igor Fruman Charged with Conspiring to Violate Straw and Foreign Donor Bans* (Oct. 10, 2019), <https://www.justice.gov/usao-sdny/pr/lev-parnas-and-igor-fruman-charged-conspiring-violate-straw-and-foreign-donor-bans>; Dep’t of Justice, *Entertainer/Businessman and Malaysian Financier Indicted for Conspiring to Make and Conceal Foreign and Conduit Contributions During 2012 U.S. Presidential Election* (May 10, 2019), <https://www.justice.gov/opa/pr/entertainerbusinessman-and-malaysian-financier-indicted-conspiring-make-and-conceal-foreign>.

²⁸ Grand Jury Indictment, *United States v. Lev Parnas, et al.*, Cr. No. 19-725 (S.D.N.Y. Oct. 10, 2019), <https://www.justice.gov/usao-sdny/press-release/file/1208281/download>.

²⁹ Dep’t of Justice, *Former Government Contractor Executives Indicted for Unlawful Campaign Contributions* (Feb. 10, 2022), <https://www.justice.gov/opa/pr/former-government-contractor-executives-indicted-unlawful-campaign-contributions>; see Dep’t of Justice, *Former Government Contractor Executive Pleads Guilty to Unlawful Campaign Contributions* (Sept. 27, 2022), <https://www.justice.gov/opa/pr/former-government-contractor-executive-pleads-guilty-unlawful-campaign-contributions>.

ensuring that voters have access to complete and accurate information regarding the sources of electoral contributions.

CAUSE OF ACTION

COUNT I:

SOHPA AND THE UNKNOWN PERSON(S) WHO CONTRIBUTED TO THE COMMITTEES IN THE NAME OF SOHPA VIOLATED 52 U.S.C. § 30122

20. The available information indicates that SOHPA did not have the means to contribute \$1.425 million to the Committees without other persons providing funds to the corporation for that purpose, such that these unknown other persons were, in fact, the true source(s) of the contribution.
21. SOHPA was registered as a Delaware corporation on August 6, 2024.³⁰ Just 10 days after its formation, SOHPA purported to make \$875,000 in contributions, and during the 29 days immediately following its formation, it purported to make five political contributions totaling \$1.425 million.³¹
22. During the intervening period between its formation and when it began making these five contributions aggregating over \$1.4 million, SOHPA does not appear to have engaged in any activity from which it could have garnered the funds with which to make these contributions—absent being provided sufficient funds by one or more other persons, the true contributor(s). Indeed, SOHPA appears to exist solely on paper; it has no discernible presence online or on social media platforms, nor is there any news article or public record that provides any information about its activities.³²

³⁰ See *supra* note 3.

³¹ See *supra* ¶ 8.

³² See *supra* ¶ 7.

23. As such, SOHPA appears to have engaged in no activity and served no purpose—aside from facilitating the straw donor contributions at issue in this matter—between the date of its formation and the dates of the \$1.425 million in contributions made in its name. It is utterly implausible that a nascent entity with no discernible footprint could have generated or acquired sufficient funds in so short a period to enable it to make \$1.425 million in contributions in its own name, with its own funds. Thus, SOHPA appears to have “lacked the financial wherewithal to make the [\$1,425,000] contribution[s] to [the Committees] on its own.”³³
24. The use of a straw donor, such as the opaque and obscure Delaware corporation at issue, to effectively act as a clearinghouse for the contributions of other persons—whose identities thereby remain concealed from the public, but who appear to include Patagonia’s corporate treasury and/or one or more of the company’s officers, executives, or employees—fundamentally undermines the basic transparency required under FECA, which is essential to empower voters to participate in elections with full knowledge of who is spending money to influence their vote and to protect elections against real or apparent corruption.
25. Accordingly, based on the foregoing, there is reason to believe that the unidentified person(s) who contributed \$1,425,000 to the Committees in the name of SOHPA violated 52 U.S.C. § 30122 by making contributions in the name of another, and that SOHPA violated 52 U.S.C. § 30122 when it knowingly permitted its name to be used to effect contributions of one or more other persons in its own name.

³³ Tomfoolery F&LA at 5.

PRAYER FOR RELIEF

26. Wherefore, the Commission should find reason to believe that SOHPA, and any person(s) who created, operated, and made contributions to or in the name of this entity, have violated 52 U.S.C. § 30101 *et seq.*, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
27. Further, the Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations and an injunction prohibiting the respondents from any and all violations in the future, and should seek such additional remedies as are necessary and appropriate to ensure compliance with FECA.

Respectfully submitted,

/s/ Saurav Ghosh
Campaign Legal Center, by
Saurav Ghosh, Esq.
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200

Saurav Ghosh, Esq.
Campaign Legal Center
1101 14th Street NW, Suite 400
Washington, DC 20005
Counsel to the Campaign Legal Center,
Roger G. Wieand

/s/ Roger G. Wieand
Roger G. Wieand
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200

December 6, 2024

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

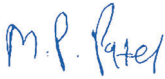
Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Roger G. Wieand



Roger G. Wieand

Sworn to and subscribed before me this 6th day of December 2024.



MEHUL P PATEL

Notary Public

Commonwealth of Pennsylvania - Notary Seal
MEHUL P PATEL, Notary Public
Cumberland County
My commission expires July 30, 2028
Commission Number 1451243

Notarized remotely online using communication technology via Proof.

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Campaign Legal Center



Saurav Ghosh, Esq.

Sworn to and subscribed before me this 6 day of December 2024.



Notary Public



EXHIBIT A

Allowable Characters

Entity Details

New Entity Search

EXHIBIT B

We stand behind everything we make, but the best thing we can do for the planet is get more use out of the stuff we already own.



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