

September 15, 2014

**Sent via Electronic Mail to tim.ryan@9news.com**

KUSA/NBC  
9News  
500 E Speer Blvd.  
Denver, CO 80203-4187

**Re: Cease and Desist Demand Letter**

Legal Compliance Department:

This law firm represents Coffman for Congress Candidate Committee. This letter is in regard to a recent television advertisement that appears to be running on your station that includes false statements. Broadcasting this advertisement constitutes a criminal violation under Section 1-13-109 of the Colorado Revised Statutes. We hereby place your station on notice of the illegal advertisement and demand that KUSA/NBC immediately cease and desist broadcasting of the advertisement.

The political advertisement at issue is paid for by CounterPAC, a California political committee that is not registered in the State of Colorado. The advertisement claims that “Mike Coffman is enjoying the support” of large campaign ads and suggests the source of funding for those ads are “Russian oil billionaires” and “owners of China’s biggest casino.” (Copy of this advertisement is currently available at: <http://youtu.be/PTHqcd0m9FQ>). The advertisement does not provide a single citation, reference, or other support for these factual claims. The statements made in this advertisement are, in fact, patently false. Mike Coffman has not received support from these sources and, as CounterPAC is well aware, their claim of “support” is not even possible because it is prohibited by federal law. The Federal Election Campaign Act (FECA) “prohibits any foreign national from contributing, donating or spending funds in connection with any federal, state, or local election in the United States, either directly or indirectly.” (Federal Election Commission; See <http://www.fec.gov/pages/brochures/foreign.shtml>). Therefore, CounterPAC’s advertisement is patently false.

Knowingly or recklessly broadcasting political advertisements that include false statements would be a criminal violation under Colorado law:

No person shall **knowingly** make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement,

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or poster or in any other communication any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office. (C.R.S. § 1-13-109(1)(a) emphasis added).

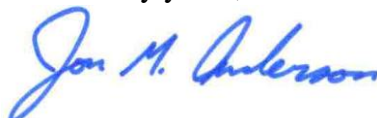
No person shall **recklessly** make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement, or poster or in any other communication any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office.. **a person acts "recklessly" when he or she acts in conscious disregard of the truth or falsity of the statement made, published, broadcasted, or circulated.** (C.R.S. § 1-13-109(1)(a)).

The CounterPAC advertisement includes patently false statements about illegal foreign national participation in a political campaign. Broadcasting this advertisement would be in “conscious disregard of the truth or falsity of the statement” made in the advertisement.

CounterPAC’s advertisement is not only illegal but it also takes unethical political advertising to a new level in Colorado. California based CounterPAC attempts to broadcast outrageously false statements by posing them as a rhetorical question. Perhaps California based CounterPAC thought that such a dirty campaign tactic would work in Colorado, but such a stunt does not provide safe harbor for outrageously false political statements. This would be the equivalent of a campaign commercial suggesting that one of Nancy Pelosi’s many commercials supporting Andrew Romanoff through the Democratic Congressional Campaign Committee were funded by Vladimir Putin and Nathan Dunlap. Of course, Mike Coffman would never lower himself to the level of Counter PAC’s unethical campaign practices on behalf of Andrew Romanoff.

As you have been notified that the CounterPAC advertisement includes patently false statements in a political advertisement the continued broadcasting of this advertisement would be a violation of Colorado Revised Statute § 1-13-109. We demand your station cease and desist from broadcasting this advertisement and request that you please respond to verify that you are no longer broadcasting this advertisement. Thank you for your cooperation with this matter.

Sincerely yours,



Jonathan M. Anderson  
of Holland & Hart<sup>LLP</sup>  
Counsel to Coffman for Congress