



June 5, 2020

VIA EMAIL

Molly Casca (Molly.Casca@ampersand.tv)
Account Executive
Ampersand

To Whom it May Concern:

I am writing with regard to a false political advertisement that your station(s) are currently, or will soon begin, airing on behalf of Jersey Real. The advertisement in question contains a blatant false statement of fact and should not be run on your station for the reasons detailed below. I want to make clear that by this correspondence you are on notice to our objection to the advertisement running because of its untruthfulness and to the attendant liability associated with disseminating this false information. It is regrettable that Jersey Real is needlessly placing you at risk with this false advertisement.

The advertisement in question contains one straightforward assertion which Jersey Real cannot support with any verifiable evidence. Their inability to support their claim should not be cause for delay in you removing this advertisement from your station. Because you are now on notice of the falsity of the advertisement, it is your duty to remove these spots from the air or you will be complicit in the dissemination of actionable activity. The false statement in the advertisement is as follows:

1. False statement: "Dave Richter...got a billion dollar insider deal from the Obama Administration."
2. Factual background: Joe Biden's brother Jim worked at HillStone International a separate but affiliated company to Hill International, the company at which David Richter formerly worked. Mr. Richter had no role or responsibility whatsoever at HillStone. The only contract HillStone ever received was from TRAC Development Group, a private South Korean real estate developer that was trying to build homes in the Middle East. The contract, which never moved forward and produced no revenue for HillStone, had absolutely nothing to do with the U.S. federal government or the Obama Administration and they played no part whatsoever in the procurement of the contract.

So in essence, every single part of that statement is false: (1) David Richter didn't receive anything of value, (2) the contract that HillStone received was worth \$0, not a "billion dollars", and (3) it was not an "inside deal from the Obama Administration," but in fact a normally procured

contract from a private company. The one statement in the commercial which we just confirmed as 100% false is the entire foundation of the false and misleading ad being run by Jersey Real.

Organizations such as Jersey Real have a legitimate First Amendment right to participate in political debate and we respect that right, but Jersey Real does not have the right to willfully spread false and defamatory information in a deliberate attempt to mislead voters. Under *Columbia Broadcasting System*, 412 U.S. 94 (1973), and its progeny, and Federal Communication Commission precedents, your station is not obligated to air any advertisements from Jersey Real. See National Conservative Political Action Comm., 89 FCC 2d 626 (1982). These precedents hold that third-party spenders such as Jersey Real do not have a guaranteed right of access to air their advertisements on your station. In fact, if your station does not stop airing this advertisement after gaining knowledge that it contains false and misleading statements, you are subjecting your station to potential liability. See 47 U.S.C. § 315 (providing immunity to stations for statements made in legally qualified candidate ads, but not extending such protections to third-party ads). This advertisement is not being run by a legally qualified candidate; therefore, your station is under no legal obligation to air it. On the contrary, as an FCC licensee you have the responsibility to exercise independent editorial judgment to not only oversee and protect the American marketplace of ideas, essential for the health of our democracy, but also to avoid deliberate misrepresentations of the facts. Such obligations must be taken seriously and we urge you to immediately cease and desist from airing the advertisement.

I appreciate your time and attention to this very serious matter. I want to reiterate our understanding of the importance of and our high regard for free speech. It is a fundamental and vital element of our form of government and the American political system. However, I believe you will agree that only speech that is truthful is protected. Deceitful and false accusations have no place in the domain of our political discourse and should not be run by your stations.

Again, this letter constitutes legal notice to you and your station that the information contained in the above-cited advertisement is maliciously false and misleading; therefore, you are obligated to refrain from airing this advertisement. If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

/s

Thomas Bonfonti
Campaign Manager
David Richter for Congress Inc.

Paid for by David Richter for Congress Inc.