

August 22, 2006

**VIA FACSIMILE -**

Station

Dear Sir and/or Madame:

This firm represents Jim Davis for Governor, 2006 ("Davis For Governor"). This letter is being written to protest the patently false and misleading advertising being run on your station by an entity known as "Florida's Working Families."

This advertising should be withdrawn because it contains knowingly false statements. Particularly, the ad states that: "Jim Davis voted to deny some struggling workers the minimum wage, HR 3846, 3/9/00," an assertion that is not fact. The truth is that Jim Davis voted in favor of HR 3846, which purpose was, "to amend the Fair Labor Standards Act of 1938 to increase the minimum wage."

For your reference I have attached a comparison regarding the false advertisement. The comparison contains citations for your reference.

Florida's Working Families should be required to provide documentation which confirms its assertion in the advertisement; we submit that the allegation is simply not the truth and, therefore, the ad should be withdrawn as Davis For Governor will be irreparably harmed.

The statements contained in the referenced advertising are false and misleading. Your broadcast facility has an obligation to withdraw false and misleading advertising of this type. Your station is further not obligated in any way to accept advertisements by Florida's Working Families. See e.g., Columbia Broadcasting System v. Democratic National Committee, 412 U.S. 94 (1973); You Can't Afford Dodd Committee, 81 F.C.C. 2d 579 (1980). Moreover, Florida's Working Families has no legal right to time for the broadcast of false and misleading advertisements. National Conservative Political Action Committee, 89 FCC 2d 626 (1982). Indeed, your station continues to operate under a statutory requirement that it administer its facilities in the public interest. See 47 U.S.C. §§ 307(a); 309(a) (1998). Presumably, your station could also be at risk for re-publication of false claims regarding Jim Davis.

Accordingly, we request that you withdraw this advertisement from your rotation unless Florida's Working Families provides documentation to support its assertions. We submit that

cannot be done since the assertions are false. We would appreciate it if you would confirm to this office that the ads are being withdrawn. If we do not receive such confirmation, we shall assume that you are declining to withdraw this false and misleading advertising and shall respond accordingly.

Thank you for your anticipated cooperation. Should you require other information or have other questions, please do not hesitate to contact me at the above number.

Sincerely,

John E. "Jed" Thomas, Esq.

cc: Jim Davis For Governor  
Enclosures

## Comparison

- **FALSE CLAIM BY AD:** “Jim Davis voted to deny some struggling workers the minimum wage. HR 3846, 3/9/00.”
  
- **TRUTH: Jim Davis Voted FOR HR 3846 To Raise The Minimum Wage.** On March 9, 2000, Davis voted for a bill whose purpose is stated as “To amend the Fair Labor Standards Act of 1938 to **increase** the minimum wage.” [HR 3846, 3/9/00, passed 282-143, R 78-137, D 203-5; <http://clerk.house.gov/evs/2000/roll045.xml>]