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To Whom it May Concern:

Our office acts as general counsel for the Elect Pat McCrory Governor Committee and we are writing you today to ask you to halt any broadcast of a radio advertisement currently sponsored by the Bev Perdue Committee. The ad makes several false claims that are incorrect, leading major media outlets to label the ad as not accurate.

One accusation leveled at Mayor McCrory is that he is opposed to the continued paving of rural roads. That statement is both misleading and false. The claim is based on a speech Mayor McCrory supposedly made eight years ago in 2000. The *Raleigh News & Observer* reported on October 30, 2008 that this accusation is not accurate. In their report, they say that "McCrory questioned a policy of paving roads" in relation to urban sprawl, which is clearly not a stated opposition of paving rural roads. To date, the Bev Perdue Committee has not submitted any proof to back up their claim in the ad.

A second, and potentially more egregious accusation leveled at Mayor McCrory is the statement that he "wants" garbage shipped to North Carolina from other states. This is another false accusation for which the Bev Perdue Committee has produced no support. One is left to assume, this false claim is based on the mayor's opposition to SB 1492, which many, including the North Carolina League of Municipalities opposed as well. The mayor had stated on several occasions that his opposition was based on the bill's tax structure as well as the potential transfer of authority to a state government institution from elected officials of municipalities. McCrory has never said in public or private that he wants to let New York and New Jersey dump their garbage in North Carolina. The *Raleigh News & Observer*, in their analysis of this ad as not accurate, said it was "misleading" to say that "[McCrory] wanted to import trash."

To take Mayor McCrory's statements out of context and then build a patently false allegation is made in wanton and willful disregard of the truth. This rises to the level of libel and slander as defined by the United States Supreme Court which meets the standard which can be established to sustain the burden of proof even in a suit brought by a public official.

Therefore, we respectfully ask that you pull this false and misleading ad promulgated by the Perdue campaign immediately. It is a fraud on the public; a breach of your duty to protect the public interest embodied in your license of the public airwaves; and could subject your station to

be a party in a civil action against the Perdue campaign. We sincerely hope this can be remedied right away. Please consult with your counsel concerning same.

Very truly yours,

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