

# John B. Spitzer, Jr.

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2323 20<sup>th</sup> Street  
Boulder, CO 80304  
(303) 345-4004  
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Diane Marshall  
City of Boulder

Oct. 18, 2017

Diane –

Here is the additional information you requested:

13-4-2. - Allegation of Election Code Violation.

(a) A request for action stating that any provision of chapter 13-2, "Campaign Financing Disclosure" or chapter 13-3, "Campaign Activities," B.R.C. 1981, of this title has been violated may be submitted to the city manager. The request for action shall be in writing and must be submitted no later than forty-five days following any election in which it is alleged that the misconduct occurred. The request for action shall:

**(1) Request that the city attorney file a civil action;**

*I hereby request that the city attorney file a civil action. Possibly a criminal action under 13-2-21.*

**(2) Identify the particular provisions of chapter 13-2, "Campaign Financing Disclosure," or 13-3, "Campaign Activities," B.R.C. 1981, that allegedly were violated;**

BRC 13-2-8 "Statement of Contributions and Expenditures of Official Candidate Committee"; 13-2-9; 13-2-10; 13-2-21.

**(3) State the factual basis for that allegation;**

Known publication of large Daily Camera ad:	\$2100	\$2100 estimate
Two publications of Daily Camera "stickers" @ \$600 each		\$1200
Estimated mailing to all City voters on Oct. 16, 2017		\$10,000 estimate
Printing and distribution of 34,000 brochures		\$5000 estimate

Share of Open Boulder staff time spent for candidates \$5,000 estimate

Total contributions with estimates: **\$23,300**

**(4) Identify any relevant documents or other evidence;**

Daily Camera advertisement  
Boulder Weekly advertisement (?)  
Daily Camera "Sticker" on front page of Daily Camera  
Brochure mailed to City voters (attached to complaint)  
Brochure circulated to 34,000 city households

**(5) Identify any witnesses or persons with relevant knowledge.**

John Spitzer Jr. (#7299), attorney at law  
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Boulder, CO 80304  
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*Number other witnesses, to be named.*

Daily Camera advertising manager:

Billy  
(303) 473-1410

(b) The city manager will notify the party named in the request for action (the "respondent") and may provide the respondent an opportunity to provide information or otherwise respond to the allegations of the request for action.

Respectfully,

John Spitzer