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March 19, 2014

Dear Station Manager:

As counsel to the Sheheen for Governor campaign, it has come to our attention that the Republican Governors Association has purchased airtime to run an advertisement in opposition to gubernatorial candidate Senator Vincent Sheheen. ("the Advertisement").<sup>1</sup>

The Advertisement explicitly communicates and rests on demonstrable falsehoods intended to mislead voters and we respectfully request that your station cease and desist from broadcasting the Advertisement given the public interest and the obligations of your FCC license.

First, Senator Sheheen opposed both the individual mandate and employer insurance mandate of the Affordable Care Act (ACA).<sup>2</sup> He is deeply concerned the effect these provisions may have on South Carolina small businesses.<sup>3</sup> These positions are matters of clear public record and have been made repeatedly by Senator Sheheen over the past 4 years. Similarly, Senator Sheheen has been outspoken about the flawed implementation of the law as well.<sup>4</sup>

Yet despite Sen. Sheheen's stated positions and his steadfast support and concern for small businesses, the RGA Advertisement, claims virtually the exact opposite to be true saying: "The fact that Vincent Sheheen supports ObamaCare means he doesn't support South Carolina and he doesn't support small business."

<sup>1</sup> <http://www.youtube.com/watch?v=DI04YI8z40I&feature=youtu.be>

<sup>2</sup> Aiken Standard, 10/19/2010,

<http://www.aikenstandard.com/article/20101019/AIK0101/310199986/0/SEARCH&slid=1>

<sup>3</sup> Id.; Charleston Post and Courier, 8/24/2010,

<http://www.postandcourier.com/article/20100824/PC16/308249998;>

The State, 8/26/2010;

Washington Post/FitsNews.com 10/28/2010, [http://voices.washingtonpost.com/politics/blog-network/2010/10/release\\_sheheen\\_welcomes\\_romne.html](http://voices.washingtonpost.com/politics/blog-network/2010/10/release_sheheen_welcomes_romne.html);

Associated Press, 10/27/2010, <http://news.yahoo.com/haley-sheheen-spar-73-last-debate.html>

<sup>4</sup> Greenville News, 11/23/2013, <http://vincentsheheen.com/?p=523>

Secondly, multiple non-partisan fact-check organizations including The Tampa Bay Times PolitiFact, The Washington Post and The Associated Press called the characterizations of the Congressional Budget Office report used to make the Americans for Tax Reform's (ATR) claim of job losses, "inaccurate,"<sup>5</sup> "mostly false,"<sup>6</sup> "misleading,"<sup>7</sup> "flawed,"<sup>8</sup> and "unsupported."<sup>9</sup> And yet this ATR claim "34,000 South Carolina jobs could be lost" is shown prominently in the RGA Advertisement.

Your public license to broadcast comes with an obligation; you owe the public a duty "to protect them from false, misleading or deceptive advertising." *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961).

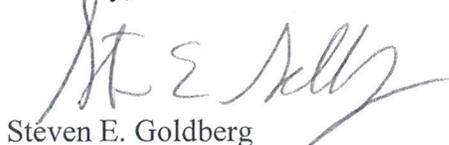
The RGA seeks to broadcast a pure advertisement, and unlike candidates, groups of this type do not have a "right to command the use of broadcast facilities." *See CBS v. DNC*, 412 U.S. 94, 113 (1973). Because your station is choosing to allow the RGA to air the Advertisement, you bear responsibility for its content. *See Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), cert. denied, 314 U.S. 909 (1950).

The RGA Advertisement contains information that is false, misleading, and deceptive. We are confident that your station is committed to act in the public interest will immediately refuse to continue to air the RGA's attempts to mislead South Carolina voters.

Thank you for your prompt attention to this matter.

With kindest regards, I am

Sincerely,



Steven E. Goldberg

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<sup>5</sup> Tampa Bay Times PolitiFact, 2/4/2014 , <http://www.politifact.com/truth-o-meter/statements/2014/feb/05/john-boehner/john-boehner-says-obamacare-expected-destroy-23-mi/>

<sup>6</sup> Id.

<sup>7</sup> FactCheck.Org, 2/4/2014 , <http://www.factcheck.org/2014/02/the-aca-losing-job-vs-choosing-not-to-work/>

<sup>8</sup> Washington Post, 2/4/2014, <http://www.washingtonpost.com/blogs/fact-checker/wp/2014/02/04/no-cbo-did-not-say-obamacare-will-kill-2-million-jobs/>

<sup>9</sup> Associated Press, 2/06/2014, <http://bigstory.ap.org/article/fact-check-anti-obamacare-chorus-key-0>

**State:** South Carolina

**Media:** TV

**Title:** "Gregg"

**Script:**

**Gregg Hughes:** "Our business doesn't operate without our employees. When I first got the notice of the increase, I had this sinking feeling in my stomach. It started at 30%. And to look somebody in the eye and say 'we can't give you a raise, I'm sorry we no longer have the option.' ObamaCare has cost jobs, in my company. It's a slap in the face to small businesses around the country. The fact that Vincent Sheheen supports ObamaCare means he doesn't support South Carolina and he doesn't support small business"

**"Gregg"**

<p><b>Gregg Hughes:</b> "Our business doesn't operate without our employees. When I first got the notice of the increase, I had this sinking feeling in my stomach. It started at 30%."</p>	<p>SUPER: Greg Hughes, founder of Patriot Solutions, Easley, SC On Obamacare and Vincent Sheheen</p>	<p><b>"Gregg Hughes, The Founder Of Patriot Solutions Is A Service Disabled Veteran Who Served In The United States Navy During The Persian Gulf War."</b> (Gregg Hughes' <a href="#">LinkedIn Profile</a>)</p> <p><b>Gregg Hughes Is A Principal Of Patriot Solutions.</b> (Gregg Hughes' <a href="#">LinkedIn Profile</a>)</p>
<p>"And to look somebody in the eye and say 'we can't give you a raise, I'm sorry we no longer have the option.'"</p>	<p>SUPER: ObamaCare 34,000 South Carolina Jobs Could Be Lost.</p> <p>ON-SCREEN CITATION:  Americans for Tax Reform, 2/5/14</p>	<p><b>CONGRESSIONAL BUDGET OFFICE (CBO): OBAMACARE WILL REDUCE FULL-TIME EQUIVALENT EMPLOYEES BY 2.5 MILLION PEOPLE</b></p> <p><b>CBO: ObamaCare Will Reduce The Number Of Full-Time Equivalent Workers By Roughly 2.5 Million People Through 2024.</b> "CBO's updated estimate of the decrease in hours worked translates to a reduction in full-time-equivalent employment of 2.0 million in 2017, rising to about 2.5 million in 2024, compared with what would have occurred in the absence of the ACA." ("The Budget And Economic Outlook: 2014 To 2024," <a href="#">Congressional Budget Office, 2/4/14</a>)</p> <p><b>ANALYSIS FROM CBO'S PROJECTIONS FINDS SOUTH CAROLINA WILL LOSE THE EQUIVALENT OF NEARLY 35,000 JOBS</b></p>

		<p><b>Americans For Tax Reform: “How Many Jobs Might ObamaCare Cost Your State?”</b>        (“How Many Jobs Might ObamaCare Cost Your State?” <u>Americans For Tax Reform</u>, 2/5/14)</p> <ul style="list-style-type: none"> <li>• “CBO has reported that ObamaCare will cost the economy 2.5 million jobs by 2024. How many might it cost your state?” (“How Many Jobs Might ObamaCare Cost Your State?” <u>Americans For Tax Reform</u>, 2/5/14)</li> <li>• “On Monday, the <u>Congressional Budget Office (CBO)</u> issued a report which shows that ObamaCare will cost the economy the equivalent of 2.5 million jobs by 2024.” (“How Many Jobs Might ObamaCare Cost Your State?” <u>Americans For Tax Reform</u>, 2/5/14)</li> </ul> <p><b>Americans For Tax Reform: “The Bureau Of Labor Statistics Tells Us What Percentage Of All Jobs Each State Has, So It's A Simple Matter To Figure Out How Many Jobs ObamaCare Might Cost Each State.”</b> (“How Many Jobs Might ObamaCare Cost Your State?” <u>Americans For Tax Reform</u>, 2/5/14)</p> <p><b>“Here’s The Results:</b></p> <p><b>“South Carolina – 34,779.”</b> (“How Many Jobs Might ObamaCare Cost Your State?” <u>Americans For Tax Reform</u>, 2/5/14)</p>
<p>“ObamCare has cost jobs, in my company.</p>		
<p>“It’s a slap in the face to small businesses around the country. The fact that Vincent Sheheen supports ObamaCare means he doesn’t support South Carolina and he doesn’t support small business”</p>	<p>SUPER: Vincent Sheheen Supported “Much Of Federal Health Care Reform”</p> <p>ON-SCREEN CITATION</p> <p>The State, 8/26/10</p>	<p><b>SHEHEEN SUPPORTED “MUCH” OF OBAMACARE</b></p> <p>In August 2010, Sheheen Supported “Much Of Federal Health Care Reform.” “And he [Sheheen] supports much of federal health care reform. But Sheheen, a Kershaw County state senator, said if</p>

	<p>SUPER: ObamaCare And Vincent Sheheen Wrong For South Carolina</p> <p>SUPER: Paid For By The Republican Governors Association</p>	<p>elected governor he would leave the decision to pursue a pending lawsuit over health care reform to the state's next attorney general." (John O'Connor, "Sheheen Takes On The Issues," <i>The State</i>, 8/26/10)</p> <p><b>SHEHEEN REFUSED TO SUPPORT LAWSUIT TO STOP OBAMACARE</b></p> <p><b>"But Sheheen, A Kershaw County State Senator, Said If Elected Governor He Would Leave The Decision To Pursue A Pending Lawsuit Over Health Care Reform To The State's Next Attorney General."</b> (John O'Connor, "Sheheen Takes On The Issues," <i>The State</i>, 8/26/10)</p> <p><b>Sheheen Would Not Commit To Support Lawsuit Against ObamaCare.</b> "Sheheen would not commit to supporting a pending lawsuit filed by Attorney General Henry McMaster and others, which argues requiring citizens to buy health insurance is unconstitutional. Sheheen said that decision should be up to the next attorney general." (John O'Connor, "Elections 2010: Sheheen Takes On The Issues," <i>The State</i>, 8/26/10)</p>
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## Mary Margaret Nelms

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**From:** Barry Faber  
**Sent:** Friday, March 21, 2014 10:38 AM  
**To:** Mary Margaret Nelms  
**Cc:** Allison Staley  
**Subject:** RE: Political Ad Complaint WTAT

You may continue to carry the ad. Please place all materials, including a notation of this decision, in the public file. thanks.

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**From:** Mary Margaret Nelms  
**Sent:** Friday, March 21, 2014 10:29 AM  
**To:** Barry Faber; Allison Staley  
**Subject:** Political Ad Complaint WTAT

Mary Margaret Nelms  
General Manager  
WTAT FOX 24/WMMP My TV Charleston  
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N. Charleston, SC 29418  
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