



March 31, 2009

Darin Atteberry
City Manager
300 Laporte Avenue
PO Box 580
Fort Collins, CO 80522

Re: Apparent Violation of Fort Collins Campaign Finance Law

VIA FACSIMILE 970-221-6107 AND U.S. MAIL

Dear Mr. Atteberry:

Colorado Ethics Watch has received your letter of March 24, 2009, advising us that the City of Fort Collins will employ special legal counsel to investigate the matters set forth in my March 24 letter to the City Clerk. We support your decision to employ special counsel. The purpose of this letter is to request that the special counsel investigate another matter that has come to our attention regarding Andrew Boucher and the Andrew Boucher for City Council campaign committee.

As you know, last week Ethics Watch advised the City Clerk of the apparent violation of Fort Collins campaign finance law when Mr. Boucher's campaign spent money to send a mailing dated February 18, 2009 urging voters to vote for and financially support not only Mr. Boucher, but also council candidate Aislinn Kottwitz. At the time Ethics Watch wrote to the City Clerk, we believed that the Andrew Boucher for City Council filing dated March 17, 2009 disclosed the committee's spending on the February 18 mailing. A news story published in the Fort Collins *Coloradoan* on March 25, however, reported that Mr. Boucher said that he paid for the mailing out of his own personal funds and did not disclose that spending on the campaign report. The story gave the impression that Mr. Boucher did not understand that by publicly announcing his campaign and spending money to promote his campaign, he became a candidate for city council and was effectively functioning as his own "campaign committee" as that term is defined in Section 7-132 of the Fort Collins City Code. Therefore, under Section 7-136 of the Code, Mr. Boucher was required to report both his contribution to the campaign and the expenditure the campaign made on the February 18 mailing, but apparently did not do so.

We ask that you expand the scope of the special counsel's inquiry to include the apparent failure to disclose the contribution from Mr. Boucher to his campaign and the campaign's expenditure for the February 19 mailing.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis Toro", with a long horizontal flourish extending to the right.

Luis Toro
Senior Counsel