

LYNCH MURPHY MCLANE LLP  
ATTORNEYS AT LAW

Jill Gibson  
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September 29, 2022

Via Certified mail, Return Receipt Request, and Email  
Campaign@andreasalinasfororegon.com  
Andrea Salinas for Oregon  
PO Box 230985  
Tigard, OR 97281

**CEASE AND DESIST**

**CAMPAIGN ADS CONTAINING FALSE STATEMENTS**

**Election Violation—False Statements (ORS 260.532)**

Dear Ms. Salinas:

This letter amends the cease and desist letter I sent you on September 26, 2022. It has come to my attention that you were directly contacted by the Hood River District Attorney's Office and informed that your political advertisements accusing Mike Erickson of being charged with drug possession are false. **You were told by the DA's Office that that Mr. Erickson was never charged with anything related to drugs.** Yet, you continue to run an advertisement called "The Truth" that falsely alleges Mr. Erickson was "Charged with Felony Drug Possession" and shows an image of four lines of cocaine.

You have and continue to knowingly violate ORS 260.532, which provides:

**False publication relating to candidate or measure**

**No person shall cause to be** written, printed, **published**, posted, communicated or circulated, **any** letter, circular, bill, placard, poster, photograph or other publication, or cause any **advertisement** to be placed in a publication, or singly or with others pay for any advertisement, **with knowledge or with reckless disregard that the** letter, circular, bill, placard, poster, photograph, publication or **advertisement contains a false statement** of material fact relating to any candidate, political committee or measure.

\* \* \*

**If a judgment is rendered** in an action under this section **against a defendant who has been** nominated to public office or **elected to a**

**public office** other than state Senator or state Representative, **and it is established by clear and convincing evidence that the false statement** was deliberately made or caused to be made by the defendant, the finder of fact shall determine whether the false statement **reversed the outcome of the election**. If the finder of fact finds by clear and convincing evidence that the false statement reversed the outcome of the election, **the defendant shall be deprived of the nomination or election** and the nomination or office shall be declared vacant.

ORS 260.532 (1) and (8).

The attached Plea Offer provides proof that your accusations of drug charges are false.

Your ad also states that Mr. Erickson “Pled Guilty to Drunk Driving TWICE LEGAL LIMIT.” This is false as twice the legal limit is .16 % breath-alcohol content and Mr. Erickson has never been charged with this or pled guilty to this.

Your false ad could have dire consequences for you if you win this election because of how close the race is. The race for Oregon’s new 6<sup>th</sup> Congressional District is much tighter than previously believed. COOK POLITICAL REPORT, 2022 HOUSE RACE RATINGS (Sep. 21, 2022). *The Oregonian* has expressed a similar sentiment, stating that you face tougher election odds as inflation and President Joe Biden’s low approval rating improve Republican candidates’ chances. Betsy Hammond, *2 Oregon Congressional Races Tighter than Once Believed*, OREGONIAN (Aug. 8, 2022). This increases the likelihood that you would be deprived of a successful election if it can be shown that the false ad influenced voters to not vote for Mr. Erickson. This showing would be relatively easy as the average voter is likely to not vote for a candidate who has been charged with felony drug charges.

We demand that you immediately cease and desist from running this false ad and from falsely accusing Mr. Erickson of being charged with felony drug possession. If we must take legal action, we will seek economic damages, noneconomic damages, and attorney fees.

Sincerely,



Jill Gibson

Attachment

**HOOD RIVER COUNTY DISTRICT ATTORNEY**

OFFER FOR NEGOTIATED PLEA

**EXPIRATION DATE:** Notify D.A.'s office by 12/29/16

**DEFENDANT'S NAME:** MICHAEL ERICKSON

**DEFENDANT'S ATTORNEY:** Tara Lawrence

**PROSECUTOR:** Timothy Wong

**CASES PENDING**

| <u>Court #</u> | <u>DA #</u> | <u>CHARGES</u>         |
|----------------|-------------|------------------------|
| 16CR61355      | 16-667      | <u>DUII (BAC 0.12)</u> |
| 16VI146303     |             | Fail to Maintain Lane  |
|                |             | Fail to Signal         |

**OFFER: Plead guilty to DUII and enter statutory diversion; State will dismiss remaining violations and not file additional charges, including but not limited to Recklessly Endangering Another Person and Unlawful Possession of Hydrocodone.**

- DUII  
Diversion

DATE: 12.7.2016

- ~~Email~~  
 ~~TCO~~  
 Fax

  
\_\_\_\_\_  
Timothy Wong, Deputy District Attorney

**OREGON UNIFORM CITATION AND COMPLAINT**

Use for All Violations or Crimes Where Separate Complaint Will Not be Filed/ORS 153.045 or 133.089

116CR61355

COMPLAINT/SUMMONS  
3077301846

CRIME(S) (see A below) OR  VIOLATION(S) (see B below) Type TRAFFIC

STATE OF OREGON

CITY/OTHER PUBLIC BODY: OREGON STATE POLICE

COUNTY OF: HOOD RIVER

Case No. SP16316264

Court HOOD RIVER CO CIRCUIT COURT

**DEFENDANT** The undersigned certifies and says that the following person

ID Type DL ID No 4125069 State OR Ph.  
Name Last ERICKSON First MICHAEL MI KURTIS  
Address 266 STAMPHER RD  
City LAKE OSWEGO State OR Zip 97034 Passenger   
Sex M Race W DOB 01/27/1963 Hgt 6'05" Wgt 240 Hair  
Eyes Lic. Exp. 2021 Juv.  Lic Class: c Emp. to Drive

**TIME/PLACE** At the following time and place in the above-mentioned state and county

On or About Date/Time 09/17/2016 02:19 AM  
At or Near SERPENTINE / EUGENE

HOOD RIVER  
NB  SB  EB  WB   
Highway  Premise Open to Public  Other

**VEHICLE** Involving the following

Year 2013 Make FORD Model F15  
Color BLU Type PU  
Regs/Vin/ID# 529GAS State OR  
Accident  Prop. Damage  Injury  Endanger Other   
Com'l Veh  Haz Mat  Driver Not Reg Owner   
Other Com'l Pass:

**OFFENSE(S)** Did then and there commit the following offense(s)

HWY Work Zone  School Zone  VBR  Safety Corridor   
Radar  Pace  Laser  Other   
Alleged Speed Designated Speed Posted Limit

Offense # 813.010  
DUII - ALCOHOL  
Warning   
Presumptive Fine1 **MUST APPEAR**  
Intentional  Knowing  Reckless   
Criminal Negligence  No Culpable Mental State

Offense #  
Warning   
Presumptive Fine2:  
Intentional  Knowing  Reckless   
Criminal Negligence  No Culpable Mental State

Offense #  
Warning   
Presumptive Fine3:  
Intentional  Knowing  Reckless   
Criminal Negligence  No Culpable Mental State

**OTHER**

Expl

**SIGNATURE**

I certify under ORS 153.045 and 153.090 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint

Signature of Officer *Jacob Ferrer*  
Officer name1: FERRER, JACOB. Officer ID 52231  
Officer name2 Officer ID  
Agency Name OREGON STATE POLICE  
Issue Date 09/17/2016

**YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE**

10/17/2016 08:30 AM LODGED - TO BE SET  
Location HOOD RIVER CO CIRCUIT COURT  
COURTHOUSE 309 STATE ST.  
HOOD RIVER OR 97031  
541-386-1862

Reserved for D.A. Use

Reserved for Court Use

Verified Correct Copy of Original 9/28/2016