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May 5, 2008

Ms. Joyce Foster
8239 E. 5th Ave.
Denver, CO 80230

The logo for "FACE THE STATE" is displayed in white text on a dark blue rectangular background. The word "FACE" is on the left, "THE" is in the center with a vertical line through it, and "STATE" is on the right. Each word is underlined.

Dear Joyce:

I am taking the unusual step of writing you directly about an issue that I believe is important to the citizens of Senate District 35.

Last year I was the victim of a vicious, malicious set of lies put forward by William Mutch and *Colorado Concern* as it related to HB07-1338 – the Homeowner Protection Act of 2007. As you know this consumer protection bill was violently opposed by the Homebuilders and a variety of other interests your son, David Foster, represents.

As you are almost certainly aware, though the ethics committee ruled that the people in question spread falsehoods and outright lies, it was their constitutional right to do so. The truth is a cheapened commodity in the politics of today.

Many of my friends tell me that you chose to run for this seat after extensive discussions with your son, who represents a collection of corporate clients. Sadly some of my most cynical friends have said you are running to represent your son's clients rather than the citizens of SD-35, and that you were recruited to run specifically because of my ethics complaint which named the Home Builders and *Colorado Concern*. I have generally defended you by saying that the cynical description of you is probably untrue.

Whatever the reason you have chosen to run against me, there are some particularly concerning issues regarding your candidacy and potential election.

Early this weekend, while reviewing information about this legislative session, I came across a memo written by Senator Ron Tupa which deals with ethics and the legislature. I am enclosing a copy of Senator Tupa's letter because I am assuming you have not seen it – not being a member of the legislature – though I assume your son, being a chief lobbyist may have.

Senator Tupa made it clear in his letter, and the ethics codes he cites make it clear, if you were to be elected in SD-35, you will have to excuse yourself from hundreds of bills each year – including these three as an example:

- The Homeowner Protection Act of 2007
- Super Slab HB 1007. David testified on behalf of Super Slab to my Transportation and Energy Committee this past session.
- SB 244. Which was preceded by a flyer before being introduced, called Bridge Politics. It was definitely skewed to support the not yet introduced legislation. The contact name was David Foster as well as other lobbyists.

I raise these issues with you because I believe the people of SD-35 have the right to know all the information about our respective stands on issues and who we will be beholden to.

Joyce, I have known you for many years and I respect your eight years on Denver City Council. But, I believe I can more independently represent the people of SD-35. In the interests of full disclosure, please respond to the fact that based upon the memo from Senator Tupa, you will have to excuse yourself from hundreds of bills.

Sincerely,



State Rep. Alice Borodkin

cc:

Attorney General John Suthers
Secretary of State Mike Coffman



FACE THE STATE